

1 PUBLIC NOTICE OF MEETING
2 REGARDING THE PROPOSED
3 CONSTRUCTION OF A LIVESTOCK MANAGEMENT FACILITY
4 BY
5 MR. DARON DUKE, D & B FARMS, LLC, URSA, IL
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10 REPORT OF PROCEEDINGS had and evidence
11 taken in the above-entitled matter before the Adams
12 County Board, by the Illinois Department of
13 Agriculture on March 4, 2013, at the Adams County
14 Courthouse, Quincy, Adams County, Illinois.
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4 Illinois Department of Agriculture

5 MR. WARREN GOETSCH

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7 Bureau of Environmental Programs

Illinois Department of Agriculture

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9 Bureau of Environmental Programs

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MR. JACOB NIMS

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MR. DARON DUKE

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1 PROCEEDINGS

2 MR. FRANK: Thank you, Mr. Post. Good
3 evening. On behalf of Bob Fleer, Director of the
4 Illinois Department of Agriculture, we thank you
5 very much for the invitation to come to Adams
6 County tonight.

7 My name is Scott Frank. I'm with the
8 Illinois Department of Ag, and I'll be serving as
9 the hearing officer for tonight's public
10 informational meeting.

11 Also with me on behalf of the Department
12 are Warren Goetsch, Bureau Chief of the Bureau of
13 Environmental Programs, and Brad Beaver, Manager of
14 the bureau's livestock program.

15 This meeting is being conducted pursuant
16 to Section 12 of the Livestock Management
17 Facilities Act.

18 The informational meeting is being held
19 at the request of the Adams County Board and is to
20 afford members of the public an opportunity to ask
21 questions and present oral and written testimony
22 regarding the proposed construction of a 1,984
23 animal unit swine finishing facility owned by D & B
24 Farms, LLC.

1 My task this evening is to ensure that
2 this meeting is conducted in an orderly fashion and
3 to ensure that all comments and testimony received
4 tonight are entered into the record.

5 Tonight's meeting is being transcribed,
6 and the transcript of the meeting will be sent to
7 the Adams County Board, as well as used by the
8 Department of Agriculture in making its
9 determination regarding the proposed construction
10 of this facility.

11 In order to ensure that we have an
12 orderly process, I will quickly explain how the
13 meeting will proceed this evening. First following
14 my comments, Warren Goetsch will provide an
15 overview of the provisions of the Livestock
16 Management Facilities Act as it relates to this
17 particular project, specifically outlining the
18 current status of the project and how the process
19 will proceed following this meeting.

20 Following Mr. Goetsch, representatives
21 for the proposed construction project will be given
22 an opportunity to describe the project and
23 demonstrate how they believe it meets the siting
24 criteria of the Livestock Management Facilities

1 Act.

2 After their presentation, I will open the
3 meeting to questions. Anyone wishing to ask
4 questions of the facility representatives or the
5 Department will be given an opportunity to do so.
6 During the question and answer session, I will ask
7 that you state your name and spell your last name.
8 You may then ask your question.

9 Depending upon the number of people who
10 wish to testify in the oral testimony phase of the
11 meeting, which is right after the question and
12 answer phase, there may be a time limit placed on
13 this questioning phase.

14 Following the question and answer
15 session, I will ask for oral testimony from the
16 public. Sign-in sheets were placed in the entry to
17 the room as you came in, one sheet for attendance
18 and a second sheet for testimony. People who wish
19 to provide comments during this oral testimony
20 phase are asked to sign the oral testimony sheet.

21 People providing oral comments will be
22 sworn in and will be subject to questioning from
23 the public. Each person will be given three to
24 five minutes to provide his or her comments. Legal

1 counsel speaking on behalf of multiple clients will
2 be given six to ten minutes to provide comment and
3 will be asked to state the names of those persons
4 on whose behalf he or she is speaking. Depending
5 upon the number of individuals wishing to provide
6 comment, the aforementioned time limits may need to
7 be adjusted to ensure that the meeting ends at a
8 reasonable time.

9 Following the oral testimony, I will ask
10 for written testimony. Written testimony will be
11 accepted in paper form and will be entered into the
12 record for this proceeding.

13 The meeting will then conclude with
14 closing comments from the facility and from the
15 Department.

16 To summarize the procedure tonight, we
17 will have comments from the Department; comments
18 from the facility; questions directed to the
19 Department and the facility, remember to state your
20 name and spell your name; oral testimony from the
21 public, people will be sworn in, and questions may
22 be asked following the testimony; written testimony
23 accepted; and then closing comments.

24 Again, we very much appreciate your

1 hospitality in inviting us here tonight to consider
2 the proposed construction of the D & B Farms swine
3 facility. Please remember to confine your comments
4 and questions to that subject as we continue.

5 I will now turn the proceedings over to
6 the Department and hear comments from Warren
7 Goetsch.

8 MR. GOETSCH: Thank you. Good evening.
9 My name is Warren Goetsch. I currently serve as
10 the Bureau Chief of Environmental Programs for the
11 Illinois Department of Agriculture. One of our
12 responsibilities at the Department is the
13 administration of various provisions of the
14 Livestock Management Facilities Act.

15 On behalf of the Department, let me
16 welcome you to this public informational meeting.

17 Before we hear from the proposed
18 facility's representatives, I'd like to say a few
19 words regarding the applicable provisions of
20 Livestock Management Facilities Act and the current
21 status of the proposed project.

22 The Livestock Management Facilities Act
23 was originally passed and became law on May 21st of
24 1996. Since that time the Act has been amended

1 three times, first during the General Assembly's
2 1997 fall veto session, second during the General
3 Assembly's 1999 spring session, and most recently
4 during the 2007 spring session.

5 The Act can be generally described as
6 covering five major areas; those being facility
7 design standards, waste management planning
8 requirements, facility operator training and
9 testing, anaerobic lagoon financial responsibility
10 demonstration, and facility setback requirements.

11 Each of these provisions impacts various
12 types of facilities in different ways depending
13 upon their size, expressed in animal units, and
14 whether the proposed facility is considered as a
15 new facility, a modified facility, or the expansion
16 of an existing site.

17 The Livestock Management Facility Act's
18 provisions are quite complicated, and specific
19 facility designs and situations certainly can
20 differ. It is, however, the Department's intention
21 to always fairly and equitably apply these
22 recommendations or, excuse me, these requirements
23 to the livestock industry in this state.

24 Now, regarding the current status of this

1 project. The Department received a formal notice
2 of intent to construct application for the proposed
3 construction of a swine facility on December 27th
4 of 2012. The proposed project is to consist of the
5 construction of one swine finishing building
6 measuring 71 feet, 2 inches by 561 feet with an
7 eight-foot deep underbuilding livestock waste
8 handling facility.

9 The project is proposed to be located
10 approximately 1.9 miles southwest of Lima,
11 Illinois, in northwestern Adams County. The
12 application was submitted by Frank & West
13 Environmental Engineers, Incorporated, on behalf of
14 Mr. Daron Duke, D & B Farms, LLC, of Ursa,
15 Illinois. The maximum design capacity of the
16 proposed facility is 1,984 animal units or 4,960
17 head greater than 55 pounds.

18 As I mentioned earlier, the Department
19 received the notice of intent to construct
20 application on December 27th. We then reviewed it
21 for compliance with the applicable provisions of
22 the Act. On January 22nd of this year the
23 Department determined that that notice was
24 complete.

1 A copy of the completed application was
2 then forwarded to the Adams County Board on January
3 24th, and the Department caused notice of that
4 application to be published in the appropriate
5 newspaper.

6 The design capacity of the proposed
7 facility requires compliance with a residential
8 setback distance of not less than 1,320 feet and a
9 populated area setback distance of not less than
10 2,640 feet.

11 On February 13th, 2013, the Department
12 received notice from the Adams County Board
13 requesting that a public informational meeting be
14 scheduled regarding the proposal. After further
15 consultation with the county board, the Department
16 scheduled this meeting and caused appropriate
17 notice of the meeting to be published in the
18 appropriate newspapers.

19 An additional requirement of the
20 Livestock Management Facilities Act deals with the
21 design and construction plan of a livestock waste
22 handling facility. The Department has received a
23 formal submittal of detailed engineering design
24 plans and specifications for the proposed project's

1 underbuilding livestock waste handling facility.

2 The Department's detailed review process
3 of those plans to determine compliance with the
4 statutory requirements is currently ongoing. Thus,
5 no final determination regarding compliance is
6 possible at this time.

7 We're here this evening to receive
8 testimony regarding the proposed livestock
9 management facilities compliance with the eight
10 siting criteria defined in section 12, paragraph
11 (d) of the Livestock Management Facilities Act.

12 In general, information regarding the
13 facility, or the following would be appropriate for
14 this evening's meeting: Manure management
15 planning, potential impact of the proposed facility
16 on the surrounding area's character, whether the
17 proposed facility is located within any floodplains
18 or other sensitive areas, odor control plans,
19 possible impact of the proposed facility on
20 existing area traffic patterns, and possible impact
21 of the proposed facility on community growth,
22 tourism, recreation, or economic development of the
23 area.

24 Copies of the specific criteria were

1 available on the table just inside the room. If
2 anybody would like to have a copy of the criteria
3 but did not pick one up, if you'd identify
4 yourself. I think Brad has a few extra copies.

5 Finally, the process that will be
6 followed after this evening's meeting is as
7 follows: I think as was mentioned by the County
8 Board Chairman, the County Board will have up to 30
9 business days from today's meeting to submit to the
10 Department a non-binding recommendation relative to
11 the proposed citing of this facility. Thus, a
12 recommendation from the Adams County Board is due
13 at the Department on or before April 15th.

14 After the close of the County's
15 30-business day comment period, the Department by
16 statute will have 15 calendar days or until April
17 30th, 2013, to review all of the information
18 submitted to date, including the notice of intent
19 to construct, the construction plans, transcripts
20 from this evening's meeting, the County Board's
21 recommendation, and any other additional
22 information submitted by the owners at the request
23 of the Department.

24 Based on that review, the Department will

1 determine whether the eight siting criteria have
2 been met. Once that determination has been made,
3 the Department will notify both the County Board
4 and the applicant of the Department's decision.

5 Mr. Hearing Officer, at this time I would
6 like to submit the completed notice of intent to
7 construct application and its associated
8 correspondence file for formal entry into the
9 record as an exhibit.

10 MR. FRANK: Entered into the record as
11 Exhibit Number 1 is the notice of intent to
12 construct, including correspondence between the
13 Department and the applicant, notices of the public
14 informational meeting, and correspondence with the
15 Adams County officials.

16 (Exhibit 1 marked.)

17 MR. GOETSCH: With that, that concludes
18 my formal remarks.

19 Again, thank you for your attention and
20 your attendance this evening. I look forward to
21 hearing your comments regarding this proposal. I
22 will now turn it back to the hearing officer.

23 MR. FRANK: Thank you, Mr. Goetsch.

24 Also, entered into the record as Exhibit

1 Number 2 is a copy of the power point slides that
2 you just viewed.

3 (Exhibit 2 marked.)

4 MR. FRANK: At this time we will hear
5 comments from the facility representatives. For
6 those who will be presenting information, please
7 state your name and spell your last name for the
8 court reporter.

9 MR. DUKE: Daron Duke, D-A-R-O-N,
10 D-U-K-E.

11 MR. NIMS: Jake Nims, N-I-M-S.

12 MR. FRANK: Will you please raise your
13 right hand.

14 (Whereupon witnesses sworn.)

15 MR. FRANK: You may proceed.

16 MR. DUKE: Thank you. I would like to
17 start out tonight by thanking everyone for coming
18 tonight to our public hearing about our proposed
19 hog barn or hog building.

20 My name is Daron Duke, and I'm a fifth
21 generation livestock producer in Lima Township. My
22 partner Brock Brackensick is sitting amongst you in
23 the crowd, and he is the sixth generation livestock
24 producer in Lima Township.

1 I do not tell you this because I feel we
2 are entitled to anything, but I would like to tell
3 you this because of our commitment to our community
4 and also to the livestock industry.

5 Today's production agriculture is rapidly
6 changing. New equipment and technologies have
7 allowed farmers to increase production and become
8 more efficient. That extends the farmer's career
9 well past traditional retirement age.

10 This new era has limited the entry in
11 farming operations, and the days of crop sharing
12 have become a thing of the past. In our area high
13 cash rents and record land values have almost made
14 it impossible for a young producer to get started
15 or to grow their existing operations.

16 These challenges have led us to explore
17 other ways to grow our farm. The opportunity we
18 have with Cargill Pork is a viable solution for
19 young producers like us to grow equity, generate
20 cash flow, and establish business assets, while
21 producing a product that will reduce our input
22 costs in our grain operation.

23 Our proposed livestock facility is
24 designed to utilize some of the newest technologies

1 and sciences that will become, that will make us
2 become more efficient, safer to animal workers, and
3 become more responsive to the needs of the
4 environment than livestock operations of the past,
5 all while producing a top quality product that is
6 made in the USA and feeding a growing population of
7 the world.

8 During the planning process we selected a
9 site on our farm that we felt best minimized odors
10 and allowed for environmental stewardship. We will
11 follow the rules and requirements of the Livestock
12 Management Facility Act, which governs the siting
13 of livestock farms and reduces impact on our
14 surrounding area. We will adhere to the best
15 management practices in pork production to minimize
16 impact on the surrounding areas.

17 We will welcome communication with any
18 member of the community so that we can be the best
19 neighbor possible.

20 Now, I'd like to introduce Jake Nims to
21 indicate how we have met the eight siting criteria.

22 MR. NIMS: Good evening. My name is Jake
23 Nims. I'm with Frank & West Environmental
24 Engineers in Springfield. We did the permitting

1 work on this facility.

2 What I'm going to do is just give you a
3 little bit of introduction about the facility
4 itself, sizes, locations, give an overview of the
5 layout, and then go over the eight siting criteria
6 that Warren mentioned briefly. I'm going to get
7 into them in a little more and show how this
8 particular facility meets those eight criteria.

9 This is a map of the whole county. The
10 county lines, I think, obviously are pretty thin.
11 I'm not sure if you can see them in the back, but
12 you can see the site location up here in the
13 northwest corner.

14 This is a little closer view of the
15 facility by about the one mile section area. You
16 can see the building right there.

17 And then a little closer on the property
18 itself you can see approximately where it's going
19 to sit in relation to the facility owned residence
20 up here and then the lane that already exists
21 there.

22 This is just a rough drawing, autoCAD
23 drawing. Like Warren mentioned earlier, the
24 building, the pit dimensions are 561 feet by 71

1 feet, 2 inches, eight foot deep.

2 These are the eight siting criteria also
3 mentioned earlier. We won't go through them.
4 These are just general. I'll go through each one
5 of them in a little more detail.

6 Siting Criteria 1: Registration and
7 Certification. The definition of that criteria is
8 whether registration and livestock waste management
9 plan certification requirements, if required, are
10 met by the notice of intent to construct.

11 As talked about earlier, the notice of
12 intent was filed on December 27, 2012, and the
13 Department of Ag deemed that the notice of intent
14 was complete on January 22nd.

15 Part 2 of the Siting Criteria 1 is the
16 waste management plan requirements. According to
17 the LMFA, a facility which exceeds a thousand
18 animal units, but is less than 5,000 animal units
19 required to prepare, maintain, and implement a
20 waste management plan within 60 days of putting the
21 facility into operation.

22 This particular facility will prepare,
23 maintain, and implement a comprehensive nutrient
24 management plan. The facility will submit to the

1 Department of Ag the waste management plan and
2 certification form certifying that the plan is in
3 place.

4 The farm will keep the comprehensive
5 nutrient management plan, as well as records of the
6 livestock waste disposal, on file at that farm.

7 The CNMP and associated records will be available
8 for IDOA, Illinois Department of Ag, inspections,
9 as well as, it's not mentioned here, but they also
10 have to be available for Illinois EPA inspections.

11 This is just kind of the goal of the
12 waste management plan is to utilize the waste
13 produced at approved agronomic loading rates that
14 meet the nutrient needs of locally grown crops in
15 an environmentally sound fashion. Continuing with
16 that, this goal will be accomplished by developing
17 a CNMP, which includes the following:

18 Total annual manure volume calculations,
19 historically proven yields in application areas,
20 manure analysis to provide the nutrient content of
21 the manure, agronomic loading rates of the manure,
22 land application provisions for setbacks, and
23 corporation standards, and also to keep
24 documentation of all phases of this plan.

1 Siting Criteria 2: Design and Operation
2 Standards. Whether the design, location, or
3 proposed operation will protect the environment by
4 being consistent with the LMFA.

5 Part 1 of that is the design of the
6 concrete pit itself. The concrete pit has been
7 designed according to Midwest Plan Service Concrete
8 Manure Storage Handbook. The Midwest Plan Service
9 is a university-based publishing cooperative
10 dedicate to publishing and disseminating research
11 based and peer reviewed publications. Within that
12 it contains concrete specifications, reinforcement
13 requirement, and water stop requirements.

14 Like I said before, the design of this
15 proposed farm will consist of plans for one
16 finishing barn.

17 Here is a general picture of what the end
18 result of this facility would look like.

19 And then there is an interior view of a
20 pen layout of a typical facility.

21 Part 2 of Siting Criteria 2 is location
22 of setback distances, both the occupied residence
23 and the populated area. And, once again, the farm
24 location was deemed complete by the Department of

1 Ag on January 22nd.

2 Part 2 of the proposed operation for
3 facilities over a thousand animal units the manager
4 of the farm is required to be a certified livestock
5 manager, and this is a program developed by the
6 Department of Ag to educate livestock managers on
7 manure management handling and systems. Managers
8 of farms over a thousand animal units are required
9 to attend a training course and pass an exam.

10 And the livestock waste management plan
11 we talked about a little bit earlier, the plan will
12 detail the operation at the farm so that all manure
13 applications will be based on site specific data.

14 Siting Criteria number 3: Location
15 Compatibility. Whether the location minimizes any
16 incompatibility with the surrounding area's
17 character by being zoned for agriculture or where
18 the county has no zoning or where the county has
19 zoning or where the county is not zoned, the
20 setback requirements established by the LMFA are
21 complied with.

22 This particular building location there
23 is no zoning at that location, and, again, the
24 Department of Ag deemed the setbacks complete on

1 January 22nd.

2 And also, the farm is compatible with the
3 surrounding area in that the area is a rural
4 agricultural area.

5 The setbacks -- 4,960 animals over 55
6 pounds is equivalent to 1,984 animal units. For a
7 facility this size the occupied residential setback
8 is 1320 feet, or a quarter mile; and the populated
9 areas setback is 2,640 feet, or a half mile.

10 Here is a map of the proposed facility.
11 You can see the blue rectangle in there is the
12 building itself. The black line represents the
13 quarter mile, and the orange line represents the
14 half mile.

15 Criteria 4, Floodplain and Aquifer
16 Definition. Whether farm is located within a
17 100-year floodplain or an otherwise environmentally
18 sensitive area defined as an area of karst or with
19 aquifer material within five feet of the bottom of
20 the livestock waste handling facility, and whether
21 construction standards set forth in the notice of
22 intent to construct are consistent with the goal of
23 protecting the safety of the area.

24 Here is a map taken from the FEMA

1 Floodplain Service. The building location is down
2 right there, and then you can see from the legend
3 this dotted blue area would be the actual hundred
4 year floodplain, which you can kind of see over on
5 the left side. You can see there is approximately
6 between a quarter mile and a half mile of the
7 building location to the actual floodplain
8 boundary.

9 Karst area is an area of land surface
10 containing sinkholes, large springs, disruptive
11 land drainage, and underground systems associated
12 with karstified carbonate bedrock and caves or a
13 land surface with these features that contain a
14 karstified carbonate bedrock unit generally
15 overlain by less than of 60 feet of unconsolidated
16 materials.

17 This is the Illinois karst area region
18 map. The facility is actually located just inside
19 an area that's considered a potential karst area,
20 and because of that we had to take some extra, do a
21 little more research into the area during our site
22 investigation.

23 This farm is located within an area
24 indicated by the Illinois Department of Natural

1 Resources, Illinois State Geological Surveys Karst
2 Terrain and Carbonate Bedrock in Illinois map as
3 being potential karst area.

4 Aquifer Materials; sandstone that is five
5 feet or more in thickness or fractured carbonate
6 that is ten feet or more in thickness or sand
7 gravel or sand and gravel such that there is at
8 least two feet or more present within any five-
9 foot section of a soil boring.

10 The site investigation was conducted by
11 Frank & West. A soil boring was advanced to a
12 depth of 20 foot below the ground surface, and this
13 depth represents 15 feet below the planned bottom
14 of the eight-foot pit. In that boring no aquifer
15 material was encountered.

16 Here is an autoCAD drawing of just the
17 sketch. The eight-foot pit is scheduled to be
18 roughly eight foot, I'm sorry, five foot in the
19 ground. Because of that, we did a 20-foot boring
20 to represent the five foot bottom and then to still
21 maintain 15 feet below the bottom of that pit.

22 Siting Criteria number 5: Minimize
23 Environmental Impacts. Whether the owner or
24 operator has submitted plans for operation that

1 minimize the likelihood of any environmental damage
2 to the surrounding area from spills, runoff, and
3 leaching, spills, the proper sizing.

4 This facility actually has excess of a
5 year's worth of storage. It's only required to
6 have 150 days of storage.

7 The facility is also operated as a closed
8 system, so there is no uncontrolled release of
9 livestock manure.

10 There will also be clean -- the final
11 surface or the final grade of the facility once
12 construction is complete will be set up so that
13 clean water is actually diverted away from the
14 building and cannot run into the pit itself.

15 Leaching; the farm is designed so as to
16 prevent a release of livestock manure, a couple
17 different ways. Solid concrete construction,
18 reinforced with grade 60 steel rebar, water
19 stoppage placed in all construction and stoppage
20 joints, and all surfaces in contact with livestock
21 manure will meet the required permeability
22 standards.

23 Siting Criteria number 6: Whether odor
24 control plans are reasonable and incorporate

1 reasonable or innovative odor reduction
2 technologies given the current state of such
3 technologies.

4 D & B Farms will implement a
5 comprehensive odor control plan. This consists of
6 a controlled land application of manure, routine
7 maintenance of the building itself, feed
8 management, and the location of the structure.

9 The controlled application of manure by
10 injection based upon nitrogen and phosphorus
11 loading from actual on-site data. The farm intends
12 to utilize injection as the application method for
13 this facility. This minimizes the contact with
14 air, is widely accepted as the best available
15 technology for manure application.

16 All livestock manure will be custom
17 applied by a certified manure applicator. The
18 application equipment will contain multiple safety
19 controls. Examples of that would be the equipment
20 itself being constantly monitored, emergency
21 shutoffs for if there is any pressure drops in the
22 lines, and communication between personnel
23 available at all times.

24 Just as an example of an injection with a

1 manure tank, I believe the drag lines system is
2 currently what's proposed, which is represented
3 here.

4 The D & B Farms facility has at least 615
5 acres locally per year available for livestock
6 manure applications. Using book values with local
7 yields and soil types, it is anticipated the farm
8 would utilize approximately 554 acres on a corn/
9 corn rotation based on nitrogen.

10 The farm will utilize regular maintenance
11 to reduce the odors generated by the facility and
12 to minimize dust originating from the facility.
13 Regular maintenance will include routine visual
14 walkthroughs of the facility to ensure that there
15 is no manure build-up above the slatted floor or
16 walkways and the regular cleaning of fans to
17 prevent the accumulation of dust.

18 The facility will be thoroughly pressure
19 washed and sanitized between each production cycle.
20 This will minimize the amount of odor-causing
21 particles that are able to leave the facility
22 through the ventilation fans. The farm will ensure
23 that the facility's fans operate efficiently, thus
24 minimizing dust build-up.

1 And regular maintenance; regular facility
2 maintenance is known to reduce odor concentrations
3 and odor intensity.

4 The facility will immediately incorporate
5 an animal diet formulated to allow the most
6 efficient utilization of proteins and nutrients in
7 the feed. This dietary practice aids in the
8 reduction of overall odors from the facility by
9 reducing excess nutrients excreted by the animals.

10 And then I think we talked about before
11 the facility complies with and exceeds facility
12 setback distances as established in the LFMA. The
13 residential setback is exceeded by 960 feet, and
14 the populated area setback is exceeded by 7,560
15 feet.

16 Again, the comprehensive odor control
17 plan, three parts, the farm location and
18 maintenance, proper nutrition of the animals, and
19 then the injection of manure during application.

20 The farm has diligently planned an
21 overall odor control strategy by incorporating
22 numerous odor control techniques and technologies.
23 The farm will also continue to look for and
24 incorporate other technologies as they become

1 available.

2 This strategic plan incorporates
3 reasonable and innovative technologies that will
4 allow the facility to operate with minimal odor
5 impact to the surrounding area.

6 Siting Criteria number 7: Traffic
7 Patterns. Whether traffic patterns minimize the
8 effect on existing traffic flows.

9 The proposed transportation route map
10 from the facility down here starting at the
11 existing lane, we go north on East, assuming
12 traffic leaving the facility, go north on East
13 603rd Lane, turn, and head east on North 2700th
14 Avenue to State Route 96.

15 According to IDOT data, there wasn't any
16 data available for the 603rd Lane, but on North
17 2700th Avenue, just north of that proposed
18 facility, there is a daily average of 25 vehicles,
19 which equates to a weekly average of 175.

20 From the proposed facility the amount of
21 feed trucks and animal transportation trucks
22 averaged out comes out to be just under three
23 trucks per week, rounded up to four, and this
24 includes transportation and animal, feed

1 transportation and animal transportation trucks.

2 Doing the math, the D & B Farms facility traffic
3 will consist of 2.3 percent of the average weekly
4 traffic on North 2700th Avenue.

5 Then looking at the same traffic data out
6 on Route 96 at that same intersection with 2700th
7 Avenue, there is a daily average of 2,350 vehicles,
8 which is a weekly average of 16,450. Of that
9 16,000 roughly 93 percent of those are your
10 personal travel vehicles, and roughly 6.8 percent
11 of those are multiple unit vehicles, your single
12 axle trucks, your tandem axle trucks, and your semi
13 trailer trucks.

14 Again, comparing the four total trucks
15 weekly, the proposed facility traffic will consist
16 of 0.4 percent of the truck traffic on Route 96 at
17 that location.

18 D & B Farms will also comply with the
19 same seasonal posted weight limits as all other
20 traffic in the area.

21 Siting Criteria 8: Whether construction
22 of a new facility is consistent with existing
23 community growth, tourism, recreation, or economic
24 development or with specific projects involving

1 community growth, tourism, recreation, or economic
2 development, have been identified by government
3 action for development or operation within one year
4 through compliance with applicable zoning and
5 setback requirements for populated areas as
6 established by the LMFA.

7 Look at the county planning program.

8 This farm is consistent with existing and planned
9 community development of this rural agricultural
10 area by demonstrating compliance with zoning and
11 setback requirements.

12 And, again, the farm will meet all the
13 requirements of the LMFA.

14 I appreciate the opportunity, and we will
15 move on to the questioning.

16 MR. FRANK: Thank you very much. Do you
17 have a copy of your presentation?

18 MR. NIMS: I do.

19 MR. FRANK: Entered into the record as
20 Exhibit Number 3 is a copy of the presentation from
21 the facility and facility representatives.

22 (Exhibit 3 marked.)

23 MR. FRANK: We will now open the meeting
24 for any questions that you may have of the facility

1 or of the Department. If you have a question that
2 you would like to ask, please raise your hand, and,
3 when called upon, please state your name and spell
4 your last name. Please indicate to whom you are
5 directing your question.

6 I will remind you that this portion of
7 the meeting will be limited to questions only.
8 After this question and answer session, there will
9 be a session dedicated to public testimony where
10 you can provide your oral comments. So, please
11 limit this session to questions only.

12 Are there any questions?

13 Ma'am in the front row. Yes.

14 MS. MARTIN: Kathy Martin, K-A-T-H-Y
15 M-A-R-T-I-N.

16 I have a question about the truck
17 traffic. When you're land applying the manure,
18 what type of trucks are you going to use and how
19 many trucks will there be during that event each
20 year?

21 MR. DUKE: Right now we do not plan on
22 using any trucks to haul manure. We plan on using
23 a drag line system. I might not have the right
24 phrases or technical terms for the manure system,

1 but basically at the current time we do not intend
2 on trucking any of it out. We plan on applying it
3 all to the drag line.

4 MS. MARTIN: Can I have a follow-up to
5 that, please?

6 MR. FRANK: One point, yes.

7 MS. MARTIN: So, you're using drag lines.
8 So, will all of the land application area be within
9 a distance you can drag a line will be on your
10 property or going across other people's property?

11 MR. DUKE: Could you please state that
12 again?

13 MS. MARTIN: Are you connecting the drag
14 line from the deep pit to a tractor out in the
15 field and just pumping from the pit through a pipe
16 to the field; is that what you are saying?

17 MR. DUKE: That's our current plan.

18 MS. MARTIN: So, are you going to be only
19 able to go across your property, or are you going
20 across other people's property to go to other
21 fields?

22 MR. DUKE: Well, at the current time we
23 plan on going across other people's properties to
24 go to have access or using whatever means possible.

1 MR. FRANK: Okay. Other questions?

2 Sir, right there.

3 MR. EVANS: Terry Evans, a follow-up.

4 Terry, T-E-R-R-Y. Evans is E-V-A-N-S. A follow-up
5 on land application.

6 With respect to the 615 acres, how much
7 is owned by you or the Duke family, and how much is
8 third parties where you will have land application
9 contracts?

10 MR. DUKE: Right at my fingertips I
11 believe -- well, Duke and Brackensick family. So,
12 I believe there is close to 550 acres between Duke
13 and Brackensick family.

14 MR. EVANS: And so, the remaining 615
15 acres will be from third parties?

16 MR. DUKE: Well, the remaining, you know,
17 80 acres.

18 MR. EVANS: Okay. And will that be under
19 a written land application agreement?

20 MR. DUKE: We have not gotten that far in
21 the process yet.

22 MR. EVANS: What will be the length of
23 your, of the hose that you will be using to do the,
24 for the drag lines?

1 MR. DUKE: It's my understanding we can
2 go up to five miles.

3 MR. EVANS: And how much do you
4 anticipate that you will be using?

5 MR. DUKE: As far as distance wise?

6 MR. EVANS: Yes. One mile, two miles,
7 three miles?

8 MR. DUKE: I believe -- I can't answer
9 that question at the current time. When we
10 actually file for comprehensive nutrient management
11 plan, all those details will be lined out within
12 that document.

13 MR. FRANK: Let's see if there are others
14 with questions, and we can probably get back to
15 you.

16 Are there other questions?

17 Sir.

18 MR. LEEPER: I'm Tom Leeper, L-E-E-P-E-R.
19 I only have questions for Mr. Nims.

20 You mentioned the trucks that you
21 calculated. Are those 80,000 pound semis?

22 MR. NIMS: I guess that would be more --
23 do you know what size trucks the animals will come
24 in and out?

1 MR. DUKE: I do not know the weight
2 limits of the trucks going in and out of the
3 facility.

4 MR. LEEPER: Mr. Nims -- frankly, Daron
5 is my neighbor across the street, and I'm not
6 trying to put any pressure on Daron.

7 Mr. Nims, if these are 80,000 pound
8 semis, do you understand how they have got to turn
9 off of Route 96 to get onto this narrow road?

10 MR. NIMS: Well, yeah, I understand they
11 have to turn.

12 MR. LEEPER: You know it's a steep hill?
13 You know this is halfway up the hill?

14 MR. NIMS: I've been to the site, yes.

15 MR. LEEPER: And you understand that if
16 you're northbound with a semi and you have to turn
17 left onto this road, you are going to be crossing
18 the traffic coming down that hill?

19 MR. NIMS: Yeah, I understand that.

20 MR. LEEPER: And if you were southbound
21 and you are going to turn in, you'd have to pull
22 off to the left into the northbound lane to make
23 that turn with a semi?

24 MR. FRANK: Sir, do you have a question?

1 MR. LEEPER: Yes. My question was
2 whether he was aware of that?

3 MR. FRANK: Okay.

4 MR. NIMS: I am aware that when you turn
5 across traffic from the right to the left that you
6 do have to cross a lane of traffic, yes.

7 MR. LEEPER: And does that create any
8 problems with your plan as far as the dangerous
9 intersection?

10 MR. NIMS: I don't know that a truck
11 making a left turn is part of our plan.

12 MR. FRANK: In the front here.

13 MR. GALLAMORE: Jerry Gallamore,
14 G-A-L-L-A-M-O-R-E.

15 I'm curious. I think I've read where
16 when you have that many hogs you have to inject
17 that manure, right?

18 MR. NIMS: You don't have to inject it,
19 no.

20 MR. GALLAMORE: I thought it was a
21 requirement with that many. I don't really know
22 what a drag line is, but it doesn't sound like to
23 me you are going to inject it. And then it has to
24 be turned in 24 hours, correct?

1 MR. NIMS: If you surface apply it, it
2 has to be incorporated within 24 hours, but that is
3 not their plan to utilize surface application at
4 all.

5 MR. GALLAMORE: So, you are telling me
6 that they are not required to inject that?

7 MR. NIMS: No, I don't believe there is
8 any requirement to do that. That's their choice to
9 do that.

10 MR. DUKE: At the current time what we
11 intend on doing is injecting the manure into the
12 soil eight inches deep, so it's there for the roots
13 of our crops.

14 MR. GALLAMORE: And that field is going
15 to be right next to my property. You can
16 understand I'm concerned with that?

17 MR. DUKE: Yes, I do understand that,
18 uh-huh.

19 MR. FRANK: Other questions?

20 MR. GALLAMORE: Would that also be
21 considered mulching it, using it as a mulch? Is
22 that not correct, it would be mulched? If you are
23 doing it that way, correct? If that is mulched,
24 then you have to be a quarter of a mile away from

1 any residence.

2 MR. NIMS: I have never heard of
3 livestock manure application being referred to as
4 mulching, no.

5 MR. GALLAMORE: Pardon me?

6 MR. NIMS: I have never heard of
7 livestock manure application being referred to as
8 mulching. I'm sorry.

9 MR. GALLAMORE: That would be what you
10 are doing with it. You would be more or less
11 turning it into mulch, right, applying it like
12 that? Is that not correct?

13 MR. GOETSCH: Maybe there is confusion.
14 What they are proposing is they are going to inject
15 the manure. The difference between using a tanker
16 or using -- yeah, can I finish?

17 MR. GALLAMORE: He said he was going to
18 use a drag line.

19 MR. GOETSCH: The drag line is the system
20 that they use to transport the manure from the
21 storage to the injection device. But he is going
22 to be using -- at least that's the way I understood
23 it, is that correct?

24 MR. NIMS: That is correct.

1 And would it be too much of a pain to get
2 that picture back up? Maybe I went through it a
3 little quickly. We do have a picture of a drag
4 line system.

5 MR. GALLAMORE: So, you are saying you
6 are going to inject it?

7 MR. NIMS: Yes, absolutely.

8 MR. GALLAMORE: It comes down the drag
9 line, and then you inject it from there?

10 MR. NIMS: Absolutely.

11 MR. GOETSCH: The only difference is the
12 drag line is being used to transport it rather than
13 to use a tanker.

14 MR. NIMS: It's still warming up a little
15 bit, but I don't know if it's hard to see. This
16 is -- I don't know. The picture is kind of a
17 little blurry anyway. But when we are talking
18 about drag line, this would be the hose across the
19 field. You can't really see it here, but there is
20 almost just a tool bar being pulled by the tractor
21 itself that has knives that inject the manure into
22 the ground.

23 MR. GALLAMORE: So, when it comes out of
24 this drag line, is it just laying on top of the

1 soil, then?

2 MR. NIMS: No. It's injected like he
3 said.

4 MR. GALLAMORE: It does inject it into
5 the ground underground?

6 MR. NIMS: Correct, yeah.

7 And there is multiple reasons for doing
8 that. I mean, one, it minimizes the contact with
9 air, which obviously is good for odor reduction,
10 but it's also the facility is trying to get the
11 most out of this manure from a nutrient level for
12 the crops.

13 So, the sooner that it's in the ground,
14 the less volatilization escapes into the air, and
15 it benefits his crops from a nutrient standpoint.

16 MR. GALLAMORE: How often can you do that
17 over the same area? I know that it can have too
18 much of a nutrient build-up.

19 MR. NIMS: Absolutely. And part of the
20 nutrient management plan will be to take soil
21 samples, and the nitrogen and phosphorus levels
22 dictate what type of application rate can go, can
23 be applied on those particular fields.

24 MR. FRANK: Front row, sir.

1 MR. TIEKEN: My name is Steve Tieken,
2 T-I-E-K-E-N. And this question is to Mr. Duke.

3 I was curious of any recent archeological
4 surveys have been undertaken to determine if your
5 property contains Native American burial grounds,
6 which are numerous in that area?

7 MR. DUKE: No.

8 MR. TIEKEN: I suspect that being an
9 archeologist that you are going to find that that
10 area is just covered in archeological materials, so
11 that was just a suggestion.

12 MR. DUKE: Yeah.

13 MR. FRANK: Other questions?

14 Mr. Anderson.

15 MR. ANDERSON: Nic Anderson, N-I-C,
16 A-N-D-E-R-S-O-N.

17 Daron, on the trucking issue, to help
18 understand some of the traffic, are there 80,000
19 pound road trucks and fertilizer trucks that use
20 that area of that road for transportation that make
21 a similar turn or curve?

22 MR. DUKE: Yes.

23 MR. ANDERSON: That's all I need to know.

24 Thanks.

1 MR. FRANK: Other questions?

2 MR. NIMS: Can I follow up a little bit
3 on the archeological stuff?

4 I believe for new facilities the
5 Department of Ag also refers it to the state, I'm
6 sorry, historic preservation agency, and they have
7 to sign off on a location before the actual
8 setbacks and notice of intent is approved.

9 MR. TIEKEN: I guess a follow-up would be
10 that their database is often based on surveys that
11 were done generations ago, and that survey is
12 limited by the individual's who is surveying
13 visibility on a field. Often these fields are
14 no-till, which a walkthrough is not going to
15 visually tell you if there is subsurface burials.

16 MR. FRANK: Okay. Let's keep in mind
17 this is question time.

18 Okay. Sir, in the back.

19 MR. SCHAFFER: Bill Schaffer,
20 S-C-H-A-F-F-E-R. I've been a truck driver for
21 years. I have lived within a mile of this place
22 for 30 years. I know Daron's dad. I have worked
23 with him for years.

24 The concern is, getting back to what

1 Mr. Leeper's question, the concern on that road is
2 you come out, you got a hill. There is a safety
3 concern. I drive a semi, three million miles
4 worth. You turn with an 80,000 pound semi. They
5 are not like a car. They are not like a pickup.
6 Whose family is going to go underneath that semi
7 when somebody comes over that hill? There has been
8 many a wrecks. And goes underneath this semi or
9 grain trailer --

10 MR. FRANK: Sir, do you have a question?

11 MR. SCHAFFER: The second part to this
12 question is: You have an 80,000 pound road in Lima
13 that runs south. You go down there, and you can go
14 south -- or runs west, excuse me. Then it runs
15 south. It's a straight road. It's all straight.
16 There is no hidden curves. There is no hidden
17 dangers.

18 Why are we picking this road?

19 And to go back to people, I have lived
20 there for 30 years, and I bet I have never seen
21 over two semis with 80,000 pound loads on that road
22 in my life. They are tandem trucks. They are not
23 semis.

24 MR. FRANK: What's your question? Can

1 you ask your questions again? Ask your question
2 again, please.

3 MR. SCHAFFER: Ask it again?

4 MR. FRANK: Yeah. What's your question?

5 MR. SCHAFFER: Why are they not
6 considering the safety concerns to that road?
7 There is -- it's not as it's being perceived. It's
8 a sharp hill that you are coming out on less than a
9 quarter mile visibility. A semi pulling out is not
10 a pickup. It's not a car. It's not a tandem
11 straight struck with grain.

12 MR. FRANK: Okay. Let's let him answer
13 the question.

14 MR. DUKE: That was the road that was in
15 the analysis of the site that was conducted. That
16 road was determined to be the best site, the best
17 road for this location.

18 MR. SCHAFFER: I'm not disputing the
19 road. I'm disputing the way into the road. You
20 got two other access roads that don't have blind
21 hills to come out on. They don't have "S" curves.
22 They aren't sitting down in the valley that you
23 take up the whole road where a kid comes around
24 there head-on you with a semi. They are straight

1 roads. The one out of Lima runs straight west.

2 MR. FRANK: Sir, please ask a question.

3 Okay. Other questions?

4 Yes, sir.

5 MR. NICHOLS: I have a question for Mr.

6 Nims. My name is Lyle Nichols, L-Y-L-E,

7 N-I-C-H-O-L-S.

8 You mentioned in your presentation about
9 the hundred-year flood plan. How close did the
10 flood of '93, which was considered a 500-year
11 flood, or the flood of 2008 or 1960 or '65 or '73
12 got to this land?

13 MR. NIMS: I guess I can't answer that.

14 MR. DUKE: I could answer that.

15 MR. NICHOLS: Go right ahead.

16 MR. DUKE: I believe we were three-
17 quarters of a mile from the site. This is up on
18 top of the bluff. The flood did not go over the
19 canal levy.

20 MR. NICHOLS: Which one are you talking
21 about?

22 MR. DUKE: All of them. Well, the floods
23 that I'm aware of, at least that I have lived
24 through, in '93 and then in 2008 also, the

1 Mississippi floodplain in the Meyer bottoms did not
2 go over the drainage canal levy, and, of course,
3 then you have another, I don't know, 50 yards, I
4 could be exaggerating, 20 yards, and then you go
5 straight up the bluff. I'm not for sure the
6 elevation of the bluff. It's a thousand feet. I
7 could be wrong on that. But, I mean, there is a
8 significant elevation there from the floodplain to
9 the bluff.

10 MR. NICHOLS: Am I right that this is
11 about six miles from the Mississippi?

12 MR. DUKE: That's correct.

13 MR. NICHOLS: Okay. Thank you.

14 MR. FRANK: Sir.

15 MR. PETER: Yes, I have a question. Mark
16 Peter, M-A-R-K, P-E-T-E-R is the last name.

17 On the karst on item number 4 you talk
18 about the boring. Is the 15 feet, that satisfies
19 the requirements? This would be for Mr. Nims, the
20 engineer. Does that satisfy the requirements?

21 MR. NIMS: Yes. The Department of Ag
22 requires that -- if you remember that map that had
23 some highlighted areas. Outside of the highlighted
24 areas they require a boring to five foot below the

1 bottom of the livestock waste holding structure,
2 and within that, those hatched areas, they require
3 a 15-foot minimum boring.

4 MR. PETER: So, that meets the
5 requirement of the siting for number 4?

6 MR. NIMS: Correct.

7 MR. PETER: Okay. Thank you.

8 MR. FRANK: Other questions?

9 Sir, along the edge.

10 MR. LOMAX: Jeffrey Lomax, L-O-M-A-X.

11 Again, Mr. Nims, in the karst area where
12 you guys did the boring, okay, topographically on
13 this land where you're building the facility, it is
14 on a ridge, and I would understand that you are
15 going to build on top of the ridge?

16 MR. NIMS: Yeah, I believe.

17 MR. LOMAX: The second part to this
18 question, was there any boring done anywhere? I
19 don't have a topographical map or can't tell you
20 the elevations. Like Daron said, we don't know the
21 elevation. We haven't got that far.

22 Did you do any boring perimeter wise or
23 did you do it only where the building site --

24 MR. NIMS: There was just a boring done

1 within the footprint of the building itself. Well,
2 they were -- yeah, at one point in the project
3 there was two other locations on the property
4 itself were looked at. So, we did do, actually do
5 borings there, as well, like you said, a little
6 farther up the bluff. But I guess depending on
7 which direction, I guess, you're concerned with.

8 But there have been a total of three
9 borings, three 15-foot borings conducted on that
10 property.

11 MR. LOMAX: Did all of these borings pass
12 regulation?

13 MR. NIMS: There were no voids found
14 within any of the borings, and there was no aquifer
15 material found in any of the borings.

16 MR. FRANK: Yes.

17 MS. MARTIN: Could you put the --

18 MR. FRANK: Can you stand up, please?

19 MS. MARTIN: Sorry. Going back to where
20 you are going to build on the bluff or in the
21 swale, could you put your slide back up that shows
22 the driveway so that I can ask the question from
23 that?

24 MR. FRANK: It might take a minute or two

1 here to get that back up.

2 Sir, did you have a question in the
3 meantime?

4 MR. GALLAMORE: Yes, I do. It has to be
5 200 feet from a water supply?

6 MR. FRANK: State your name again.

7 MR. GALLAMORE: Gallamore, Jerry.

8 Is it not correct?

9 MR. FRANK: State the question again,
10 please.

11 MR. GALLAMORE: You have to be -- that
12 thing has to be 200 feet from a water supply,
13 groundwater supply?

14 MR. NIMS: There is -- I don't believe
15 200 feet. The EPA for a drinking well is a hundred
16 feet. There is a 200-foot setback depending on
17 which way you are land applying to wells.

18 MR. GALLAMORE: Well, according to what I
19 read today, I just read today it's supposed to be
20 200 feet from a water, groundwater supply. This is
21 a karst area. It's on my property. I can prove it
22 to you. But there is limestone there, and on top
23 of limestone it's sandy gravel, a lot of sand, real
24 porous stuff.

1 So, if it's 200 feet, there is no way
2 you're going to not keep from hitting that and
3 going into limestone. That limestone will transfer
4 water just as easy.

5 MR. FRANK: Sir, if you have a question.

6 MR. GALLAMORE: That is the question. Do
7 you have to be 200 feet away from a water supply?
8 And if you do, you're not going to meet that.

9 MR. NIMS: When you say water supply, do
10 you mean an existing well or any groundwater?

11 MR. GALLAMORE: When they talk about
12 water supply, they are talking about groundwater
13 supply.

14 MR. FRANK: Do we have the slide?

15 Ms. Martin.

16 MS. MARTIN: Okay. When you are on that
17 road and you look at the -- when you look at that
18 driveway, that driveway is in the swale between two
19 hills.

20 So, you are saying you are going to build
21 on top of -- if you are facing this way, the hill
22 to the right, that's the hill you are going to
23 build on top of, and then the driveway is in the
24 swale?

1 MR. DUKE: On the north ridge.

2 MS. MARTIN: In your topographic packet,
3 do you have a copy of that in front of you that you
4 can look at? This is in your LMFA permit
5 application.

6 MR. DUKE: I do not have that.

7 MR. NIMS: Yeah.

8 MS. MARTIN: The topographic map just has
9 a black marker line, and I do know that that
10 driveway is in a swale, and the swale on the
11 topographic map seems to be quite a bit farther
12 south than the drawing you just had up on the deal.

13 So, I was wondering if we are still
14 talking about the same place that you have marked
15 on your topographic map?

16 MR. NIMS: I'm sorry. The location
17 hasn't changed, I guess, within up near the road
18 there. So, if --

19 MS. MARTIN: Did you have a land surveyor
20 surveying this topographic map?

21 MR. NIMS: No. No.

22 MS. MARTIN: Just an autoCAD, then? I
23 was just wondering how we know it's the same
24 location on the topo map as what you showed on the

1 aerial map?

2 MR. NIMS: Well, the topo map is what
3 went in with the application. The aerial, if the
4 overhead view is off a little bit, I mean, that
5 wasn't measured. That was just placed in there for
6 a visual reference from, you know, the approximate
7 turn, just to give you an idea where on that site.
8 So, if it's offset a little bit from the topo map,
9 I guess I apologize for that.

10 But that map wasn't used for any
11 permitting purposes or anything like that.

12 MS. MARTIN: And, Mr. Hearing Officer, I
13 needed to know that to ask a very simple question.

14 When you said that the closest surface
15 water is the canal, are you ignoring the fact that
16 there is a culvert right across the street and the
17 beginning of a creek system that traverses down an
18 unnamed tributary to White Oak Creek?

19 MR. NIMS: No. I mean, obviously --

20 MS. MARTIN: It's clear up there on your
21 map.

22 MR. NIMS: Sure. It's clear, and I
23 recall that from the site.

24 What we have always taken for the

1 application is the closest named body of water at
2 that time. Like you mentioned, it was an unnamed
3 tributary. So, I always look for the closest named
4 stream to the site.

5 MS. MARTIN: Do you understand how much,
6 how many miles it goes down that watershed before
7 you would get to the canal? Do you know what that
8 value is?

9 MR. NIMS: I don't think anybody is
10 disregarding that tributary. It's just, like we
11 said, we've taken the stance of naming the closest
12 named body of water to the application.

13 And actually where that even needs listed
14 is on the non-lagoon application and isn't even,
15 doesn't even need to be listed on the notice of
16 intent itself. So, it doesn't really apply in this
17 particular case tonight to the siting criteria.

18 MS. MARTIN: Can I ask you one more
19 thing?

20 Are you a registered professional
21 engineer in the State of Illinois?

22 MR. NIMS: I am not.

23 MS. MARTIN: Who was the engineer that
24 did the drawings of plans and specifications?

1 MR. NIMS: Chris West, my boss.

2 MS. MARTIN: Whose initials are CEO at
3 your firm?

4 MR. NIMS: Our technician.

5 MS. MARTIN: Is that person a
6 professional engineer?

7 MR. NIMS: He is not.

8 MS. MARTIN: But he is the one that drew
9 all the drawings for the plans?

10 MR. NIMS: He is our autoCAD technician,
11 yes.

12 MS. MARTIN: But there are no engineering
13 seals on any of those drawings, is that correct?

14 MR. NIMS: That's correct.

15 MS. MARTIN: And you're not a
16 professional engineer?

17 MR. NIMS: That's correct.

18 MS. MARTIN: Thank you.

19 MR. FRANK: Miss James.

20 MS. JAMES: Stacy James, J-A-M-E-S. My
21 first question is for Mr. Duke.

22 Mr. Duke, in your terminology for your
23 intention to inject the waste, you said you're
24 planning to do that. I'm wondering why you are

1 using that term "plan", and what would prohibit you
2 from actually injecting waste?

3 MR. DUKE: Nothing.

4 MS. JAMES: So, why are you using the
5 term "plan" instead of, I will do this and commit
6 to it here today?

7 MR. DUKE: I guess I don't understand.

8 MS. JAMES: Are you committing to us
9 today that you are, you will be injecting waste and
10 not surface applying?

11 MR. DUKE: I am committing that I am
12 going to do the best practices and follow my
13 comprehensive nutrient management plan.

14 MS. JAMES: Okay.

15 My second question, if I may, is for Mr.
16 Nims.

17 MR. NIMS: Yes.

18 MS. JAMES: Mr. Nims, given that on your
19 site investigation report you stated that the site
20 is in a potential karst area, did you subsequently
21 consult with the Illinois State Geological Survey
22 or other local, county, or state agencies to
23 determine the presence or absence of a karst area
24 on the site?

1 MR. NIMS: No.

2 MS. JAMES: And I'm curious as to why you
3 bored down 15 feet below the planned bottom of the
4 facility? Which regulation was that?

5 MR. NIMS: That's part of the LMFA.

6 MS. JAMES: Can you site the numbers?

7 MR. NIMS: Not off the top of my head,
8 no.

9 MS. JAMES: I'm asking this question
10 because in section 35 IAC 506 of the Illinois EPA's
11 regulations, which is the construction standards
12 for livestock waste facilities, there is a section
13 in there that talks about drilling or boring 20
14 feet below the planned bottom of the facility, but
15 I don't recall seeing anything about 15 feet.

16 So, I'm wondering where that number came
17 from?

18 MR. NIMS: I guess I don't know that off
19 the top. You mentioned -- was that the IEPA or
20 Department of Ag?

21 MS. JAMES: Well, it's all very complex,
22 right? So, it is -- these are the Department of
23 Ag's regulations, as far as I understand, but they
24 are under the Illinois Environmental Protection Act

1 35 IAC 506.

2 MR. NIMS: Okay.

3 MS. JAMES: And then you did show us a
4 definition of karst area on your, in your
5 presentation, and within that definition it
6 describes that if you don't have so-called karst
7 features, such as sinkholes and springs at the
8 surface of your site, you know, another part of the
9 definition is that you have got karstified bedrock
10 underneath this site overlaying of less than 60
11 feet of material.

12 So, how is it that drilling down only 15
13 feet, well, 20 feet total, will determine anything
14 if the definition is based on 60 feet?

15 MR. NIMS: I guess -- I wish I had my
16 copy of the Illinois LMFA with me. It's been our
17 experience where we have always had to do 15 foot
18 below the bottom for potential karst areas, and
19 we've never gone deeper than that.

20 MS. JAMES: Does the Department have a
21 clarification on that?

22 MR. GOETSCH: Well, I guess, let me just
23 say that it's really rendered, the karst issue is
24 really rendered moot if there are no sinkholes

1 present. Then all the design standard is changed
2 if you are in a karst area, and the design standard
3 is the next paragraph after the one that you
4 quoted.

5 It's 506.312(b), which says that, any
6 facility proposed has to be designed and
7 constructed utilizing rigid material, such as
8 concrete or steel. And since they are already
9 proposing to construct it out of concrete, the only
10 thing that they need to be concerned about is that
11 there are no sinkholes present.

12 I believe that there is another section
13 in the statute which will require the Department to
14 visit the site and to make an extensive walkthrough
15 of the facility or of the proposed site to
16 determine whether or not there are any sinkholes
17 present.

18 So, I guess the issue of whether or not
19 it is in karst really doesn't have any bearing
20 beyond what I just said.

21 They would have had -- if they were, for
22 example, proposing to use an earthen structure for
23 manure storage, that wouldn't be allowed. They
24 would have to -- if it was determined to be in a

1 karst area, they would be required to use a rigid
2 material like concrete or steel.

3 Since they are proposing to use concrete,
4 that criteria is met.

5 MS. JAMES: Further question to that?

6 So, the element face states that if you
7 are in karst area, you have to build according to
8 the standards in ASAE 393.2, or more recent
9 updates. That is part of 506.312 that you just
10 were mentioning.

11 So, for my own education I understand
12 that the plan is to have a concrete structure, but
13 is this proposed facility going to be in compliance
14 with ASAE 393.2?

15 MR. GOETSCH: I believe that it would be
16 if it was built to the standards that they are
17 proposing, yes.

18 MS. JAMES: Is ASAE 393.2 the same as
19 Midwest Plans 36, which is what I see on drawings
20 that they have submitted?

21 MR. GOETSCH: I would have to go back and
22 look specifically, but I believe that they are
23 equivalent, yes.

24 But I would hasten to add, though, that

1 there is that additional inspection that we will
2 have to do if this were to go forward is that we
3 will have to go in and determine whether or not
4 there are any evidence of sinkholes in or around
5 that site, and then there is a setback distance
6 that would be required if they, again, were to go
7 forward if we did find those.

8 But that would be the -- that's the
9 additional requirement, the additional enhancement
10 of the standard because of the karst issue.

11 MR. FRANK: Sir in the blue shirt.

12 MR. LEEPER: Tom Leeper, L-E-E-P-E-R.

13 Again, Mr. Nims, I would like to address
14 subsurface water.

15 Has there been a hydrology study
16 conducted?

17 MR. NIMS: No.

18 MR. LEEPER: Do you know what aquifer is
19 under there that you are going to be taking water
20 from?

21 MR. DUKE: No.

22 MR. LEEPER: Mr. Nims, do you agree that
23 this facility will take over two million dollars of
24 water per year?

1 MR. NIMS: Did you say dollars or
2 gallons?

3 MR. LEEPER: I meant gallons.

4 MR. NIMS: We talked about that. I got
5 some rough numbers. Do you recall -- I'm sorry.
6 I've got a daily number of the estimated number if
7 you can just give me --

8 Yeah.

9 MR. LEEPER: You would agree with that,
10 those numbers? And have you made a --

11 MR. NIMS: Well, I'm sorry. I should
12 take that back. That is -- the number that we have
13 is the maximum gallons per day would be
14 approximately 7,000. With the facility completely
15 full, dead heat of the summer would be 7,000
16 gallons per day. That number is like 2.5 million.
17 When in actuality it's not going to be operated at
18 peak capacity with peak heat year-round, so I
19 guess --

20 MR. LEEPER: Taking the figure of 7,000
21 gallons per day, have you done an analysis of how
22 that might affect people in Lima that's 1.8 miles
23 northeast?

24 MR. NIMS: There has been no -- like you

1 asked earlier, there has been no hydraulic study on
2 the wells, no.

3 MR. LEEPER: Thank you.

4 MR. FRANK: Other questions?

5 The lady in the green in the back.

6 MS. TERRY: I live a half mile from
7 this --

8 MR. FRANK: Could you state your name and
9 spell your name, please.

10 MS. TERRY: Oh, I'm sorry. Kathy Terry,
11 T-E-R-R-Y.

12 I live a half a mile from this site.

13 Okay. You are going to drill this in
14 eight inches, this pig stuff, and how long do you
15 think it's going to smell, because we talked about
16 this on my porch the other day that you were going
17 to notify us when you are going to do this? So,
18 how long am I going to have to endure this, because
19 I know there is going to be a stench? I don't care
20 how far you drill it down or if you put it on top.

21 MR. DUKE: That is when it is odorous is
22 when you apply the manure.

23 MS. TERRY: Right.

24 MR. DUKE: Now, there are people in the

1 crowd who have extensive knowledge in this field,
2 and I do not, but it's been my experience as a
3 resident of Adams County that that will last
4 anywhere from three to seven days. That will be
5 once a year.

6 MS. TERRY: And you can guarantee me once
7 a year?

8 MR. DUKE: (Nodded his head up and down.)

9 And I will guarantee you I will notify
10 all the residents in ample time so they can plan
11 for it.

12 MR. FRANK: Sir, yes, right there.

13 MR. TUSHAUS: My name is Tom Tushaus,
14 T-U-S-H-A-U-S.

15 Mr. Duke, I have one question for you.

16 Who is to monitor a program of this
17 magnitude?

18 MR. DUKE: What do you mean as far as
19 monitor?

20 MR. TUSHAUS: Let's say we have a
21 complaint like the lady says in the background
22 about the odor?

23 MR. DUKE: Yes.

24 MR. TUSHAUS: Who do we call to complain

1 about this?

2 MR. DUKE: Me.

3 MR. TUSHAUS: You?

4 MR. DUKE: Me.

5 MR. TUSHAUS: EPA?

6 MR. DUKE: You can call the EPA if you
7 would like, but, I mean, you can start with me.

8 MR. TUSHAUS: Has there been an EPA
9 study?

10 MR. DUKE: Excuse me?

11 MR. TUSHAUS: Has there been an EPA study
12 on your farm out here?

13 MR. DUKE: I can't answer that.

14 MR. NIMS: I guess, unless Warren wants
15 to correct me, the EPA isn't really involved in the
16 permitting of the facilities, but just the
17 enforcement of any issues that the facility would
18 have after they are running, I guess, would be my
19 general statement of their involvement.

20 MR. TUSHAUS: Such as the odor?

21 MR. NIMS: Correct.

22 MR. GOETSCH: Not to bore you, but I will
23 just say this in response to the comment. Prior to
24 the livestock -- I think one of the purposes or one

1 of the reasons for the Livestock Management
2 Facilities Act was to try and put in place some
3 minimum standards so that if facilities would
4 comply with those requirements perhaps problems in
5 the future would be avoided.

6 Prior to the LMFA there was no regulation
7 on the front end, if you will. The only time EPA
8 or state government or, for that matter, federal
9 government would get involved is after you had a
10 problem.

11 The purpose of the Livestock Management
12 Facilities Act was to put some design standards,
13 put some setback distances, to put some educational
14 requirements, some things up front, so, you know,
15 producers could, you know, demonstrate their
16 competency, could benefit from new research, new
17 information, and that perhaps we could avoid future
18 problems.

19 You know, is it a perfect law? No.
20 There are no perfect laws. Do you think we've made
21 some progress? I believe that we have. Now, but
22 is it perfect? It certainly isn't.

23 IEPA's role and the Department of Ag's
24 role are defined between both this act and the

1 Environmental Protection Act, and predominantly our
2 role as the Department is to ensure that these
3 requirements in this law are adhered to prior to a
4 facility being sited, prior to a facility being
5 placed into service, and then with the hope that if
6 those requirements are put into place and these
7 facilities are successful we can avoid problems,
8 and IEPA then would not have to get involved in the
9 future.

10 So, you know, that's kind of, at least
11 from my perspective, why we are doing what we are
12 doing.

13 Is it perfect? No.

14 If you have problems, certainly
15 complaining to IEPA is the appropriate approach.
16 We have a cooperative agreement with IEPA. We work
17 with them very closely. We do joint inspections
18 from time to time. They refer issues to us. We
19 refer issues to them. And so, we do work closely
20 together.

21 MR. FRANK: Mr. Evans, did you have a
22 question?

23 MR. EVANS: Yes. Terry Evans.

24 There has been a lot of questions

1 regarding land application, but I think everyone
2 would agree that is where a significant source of
3 odor will come from in a hog confinement system
4 situation.

5 But when you talk about the tool bar and
6 then attached to the tool bar, which is horizontal
7 to the ground, are these knives that go eight
8 inches into the ground, if I understand correctly.
9 And then following that knife is when the manure or
10 the sewage is then placed in the cut in the ground,
11 is that correct?

12 MR. NIMS: Yes. I mean, I --

13 MR. EVANS: Okay. Then how does the
14 sewage get from the drag line into that cut? Is
15 there a splash plate that it hits and puts it in
16 the wedge into the ground? Or do you know?

17 MR. NIMS: I don't know personally. But
18 it's my understanding that there isn't any exposure
19 prior to. I mean, it goes from the main line, drag
20 line to some type of manifold where it gets
21 distributed to smaller lines similar to an
22 anhydrous tank set-up.

23 MR. EVANS: But you would agree the knife
24 itself is not hollow where the sewage goes through

1 that hollow hole in the knife into the ground,
2 correct?

3 MR. PETER: Can I speak to that?

4 MR. EVANS: The point I'm trying to make
5 is that once the sewage -- is it true that once the
6 sewage is in the area where the knife cuts it's not
7 covered? It's left open, correct?

8 MR. FRANK: Hang on.

9 Mr. Goetsch, you want to comment on this?

10 MR. GOETSCH: There are -- just like any
11 other tillage tool, there are all kinds of
12 versions. There is a version that actually uses
13 disks, okay, and the material is injected between
14 the disks. There are those that are like a chisel
15 plow where it is a hollow knife and the manure
16 actually goes down through and comes out, you know,
17 the back side of the knife. So, it depends. I
18 mean, there are several different types of
19 instruments or types of tillage tools.

20 The intent is to deliver the manure from
21 the pit through the drag line or through the tank
22 to the application device into the ground, and it's
23 covered or that slit is sealed before there is any
24 opportunity for the material to escape.

1 So, the only time that you would have the
2 potential for material to escape that slit would be
3 either where you're pulling it out at the end and
4 turning around and going back the other way. If
5 they don't turn it off quite right, there is the
6 potential to get some spillage on the end, but
7 that's primarily the only time.

8 But, again, it depends on the specific
9 device that they are going to have.

10 MR. FRANK: And, Mr. Peter, is there
11 anything that you would like to add to that?

12 MR. PETER: Well, yes. I was just going
13 to say, I mean, these applicators that do this with
14 the big drag line systems, they are certified and
15 trained, and it does actually inject it right into
16 the ground. It's never --

17 You know, the only chance for any
18 spillage is at the turns. When it's going back and
19 forth through the field, it's going to be at that
20 eight-inch depth, and it's going to have some kind
21 of a closer device, either a disk or a press wheel
22 or something, that's going to try to close that
23 down.

24 So, I mean, it is a fairly effective way

1 to get the material into the ground.

2 MR. EVANS: I understand, but with a tool
3 bar injection application, I have not seen closure.
4 What I have seen, and this is a question, is it's
5 just a puddle of raw sewage that follows because
6 there is no device to close the wedge. And so,
7 what you have is a field of wedges open by those
8 knives with raw sewage just laying there, and then
9 it rains and then there is run-off.

10 And that was my last question.

11 How much of this land, 615 acres, is on
12 highly erodible land?

13 MR. DUKE: I cannot answer that.

14 MR. NIMS: But, again, that will be
15 addressed in the CNMP itself. There is different
16 regulations for you have to do a soil loss equation
17 when you are looking at each individual field, and
18 that is accounted for, I guess.

19 MR. EVANS: Well, as my plumber friend
20 Mark Sill notes, sewage runs downhill, and that was
21 a concern.

22 MR. FRANK: Sir.

23 MR. TIEKEN: My name is Steve Tieken,
24 T-I-E-K-E-N.

1 And this is for Mr. Nims.

2 During your study of the aquifer and
3 runoff system, had you considered just 200 feet
4 below the bluffs there, not a thousand feet as the
5 ancient lake bed of Lima Lake, which is always
6 trying to reclaim its wetland position, and the
7 flood of 1993, the flood of 2008, that wetlands was
8 reclaimed?

9 As an archeologist I know the watershed
10 system, and that water finds its way down into
11 those canals.

12 I was wondering had you considered the
13 canals, the runoff canals, within Lima Lake that
14 run drainage to the Bear Creek area and then into
15 the Mississippi River?

16 MR. NIMS: I guess no.

17 MR. FRANK: Other questions?

18 Sir, here.

19 MR. LOMAX: Jeffrey Lomax, L-O-M-A-X.

20 You mentioned the wash down of the
21 aeration system and the fans and whatnot for the
22 ventilation system.

23 Are there any type of filters used to
24 contain the fine particulates, the fine

1 particulates, that would be airborne?

2 MR. NIMS: There is no filters proposed
3 at this time for this facility.

4 MR. FRANK: Let's go in the back.

5 MR. GERDES: I have a -- William Gerdes,
6 G-E-R-D-E-S.

7 I have a question for your colleague up
8 there.

9 You made a statement that the laws that
10 regulate this the state set minimum standards, sir?

11 MR. GOETSCH: They set standards.

12 MR. GERDES: You used the phrase, the
13 state wanted to set minimum standards for these.

14 MR. GOETSCH: Okay, I'll give you that.

15 MR. GERDES: So, since the state set
16 minimum standards, is it legal for either at the
17 county level or the township level to set more
18 stringent laws on top of the bare minimum that the
19 state has laid out?

20 MR. GOETSCH: The only response I could
21 give to that would be as long as you are consistent
22 with the rest of state law, and the reason I say
23 that is there have been some cases where counties
24 have tried to do something in addition, but they

1 didn't treat all of agriculture the same way, and
2 those ultimately were found unconstitutional by the
3 Illinois Supreme Court.

4 In other words, if you are going to
5 regulate animal agriculture, you can't regulate it
6 differently than crop agriculture.

7 MR. GERDES: But if the state sets a
8 minimum setback from freshwater source, could the
9 township step in and say, well, okay, the state
10 says 150, we are going to say in our township we
11 want it 300? I mean, can they go above and beyond?

12 MR. GOETSCH: I'm an engineer. I'm not
13 an attorney. You'd have to check with your
14 counsel, I think. I'm sorry. I really don't have
15 that.

16 MR. GERDES: But these are just minimum
17 standards?

18 MR. GOETSCH: These are standards. The
19 reason I said minimum, there were no standards
20 before. So, when this act was passed, this
21 established the first standards for the design
22 construction and siting of livestock facilities in
23 Illinois.

24 Whether they are minimum, whether they

1 are maximum, they are standards. Whether you can
2 do more, you need to check with your own --

3 MR. GERDES: Not me.

4 MR. FRANK: Ms. Martin.

5 MS. MARTIN: Okay. To Mr. Nims, did
6 you -- what permeability of the concrete are you
7 going to design for?

8 MR. NIMS: The standard is ten times, one
9 times ten to the minus seventh, but there is no
10 leaching through the water stops, I guess. We've
11 gone through this.

12 MS. MARTIN: Can you say it louder so
13 that I can hear you? You said ten to the minus
14 seven permeability?

15 MR. NIMS: Correct.

16 MS. MARTIN: What citation in the rule
17 are you using to get that?

18 MR. NIMS: I don't recall the citations
19 off the top of my head.

20 MS. MARTIN: Well, do you have a copy of
21 the rule in front of you?

22 MR. NIMS: I do not. I guess -- and
23 maybe I misspoke with the number, but I guess --

24 MR. FRANK: Miss Martin, what do you have

1 there?

2 MS. MARTIN: I'm going to show him a copy
3 of the rule and ask him to read it to the audience.
4 This is section 504.304, General Design and
5 Construction Standards, and I'd like you to read
6 the very first sentence.

7 MR. NIMS: I misspoke. Do you still want
8 me to read that?

9 MS. MARTIN: No. Just say what's the
10 permeability?

11 MR. NIMS: It's one times ten to the
12 minus six centimeters per second.

13 MS. MARTIN: For this -- did you do the
14 Darcy Law calculations for seepage --

15 MR. NIMS: I did not.

16 MS. MARTIN: (Continuing) -- for concrete
17 pit based on that permeability?

18 MR. NIMS: No.

19 MS. MARTIN: Is that the permeability you
20 are going to build to?

21 MR. FRANK: If that is in the standard,
22 then obviously the construction plans need to meet
23 that at a minimum.

24 MS. MARTIN: Are you aware that that

1 permeability with your maximum depth of liquid is
2 equal to 20, over 20,000 gallons per acre per day
3 seepage?

4 MR. NIMS: This facility is not designed
5 to be able to seep. It's not allowed. There --

6 MS. MARTIN: No. It's allowed to have a
7 permeability of one times ten to the minus six
8 centimeters per second, because when you use the
9 maximum height of the liquid and the thickness of
10 the liner and Darcy's Law, you get a seepage volume
11 of 20,000 gallons per acre per day.

12 Are you aware of that?

13 And this facility is almost a an acre in
14 size. So, actually this thing could seep like a
15 sieve because this is a -- are you aware that this
16 is the permeability of sidewalk pavement?

17 MR. NIMS: No, I am not.

18 MS. MARTIN: Are you a civil engineer or
19 an agricultural engineer?

20 MR. NIMS: Agriculture.

21 MS. MARTIN: So, you haven't done any
22 civil engineering projects where you would
23 understand concrete permeability?

24 MR. NIMS: My boss is a civil engineer,

1 and he was -- you asked about it earlier. That's
2 the professional engineer. He is a civil engineer.

3 MS. MARTIN: But did you sign the permit
4 application form that was submitted to the agency
5 saying that everything was true and correct?

6 MR. NIMS: I did.

7 MS. MARTIN: How do you know it's true
8 and correct if you don't know these things?

9 MR. NIMS: This facility --

10 MS. MARTIN: You follow me?

11 MR. NIMS: What's that?

12 MS. MARTIN: I mean, engineer to
13 engineer, you signed that as if you were fully
14 aware of everything that was being done.

15 MR. NIMS: The facility is designed --
16 the concrete pit is designed to not leak, period.

17 MS. MARTIN: Using what standard? What
18 permeability would it be where it would not leak?

19 MR. NIMS: The -- I don't have --

20 MS. MARTIN: I just told you what the
21 rule allows, 20,000 gallons per acre per day. It's
22 like six million gallons per year. It's an
23 extraordinary amount of leakage, because it's like
24 concrete out on the sidewalk that is designed to

1 leak, okay.

2 Are you aware of the concrete
3 permeabilities in Midwest Plan Service Manual 36?

4 MR. NIMS: Yes.

5 MS. MARTIN: And what are those
6 permeabilities for concrete?

7 MR. NIMS: This is like the third meeting
8 where we have done this where you've tried to get
9 us to say that our buildings are designed to allow
10 a certain amount of leakage, and they are not.

11 MS. MARTIN: Well, I'm not asking you to
12 evade my question. I'm just saying, what is the
13 permeability in the standard? Is it ten to the
14 minus eight, ten to the minus ten, ten to the minus
15 12?

16 MR. NIMS: I don't know off the top of my
17 head.

18 MR. GOETSCH: Let me help. I'm sure
19 you've looked. 506.304, General Design and
20 Construction Standards specifically says:
21 Hydraulic conductivity equal to or less than one
22 times ten to the minus six centimeters per second.
23 That's what the standard requires.

24 You may think it's not adequate. That's

1 your opinion. The Pollution Control Board approved
2 this standard. That's what we as the Department of
3 Agriculture can require. We cannot require
4 anything more.

5 MS. MARTIN: Right.

6 MR. GOETSCH: So, I mean, I guess the
7 thing is, that's what the standard is. Whether you
8 agree with it or not, that's what it is.

9 MS. MARTIN: I understand, Warren, and
10 I'm not saying whether I agree with it or not, but
11 this gentlemen is saying there will be no seepage,
12 but if he said -- but he said he would build it
13 according to these rules, and these rules allow up
14 to 20,000 gallons per day. And so, it is
15 conflicting information.

16 So, I'm saying, if you are going to build
17 it with no seepage, you are to do it something
18 significantly different than what is required by
19 law, which means it's not going to be required by
20 law, which means that you'd have to incorporate it
21 into your permit language to ensure that he does
22 that. Correct?

23 MR. GOETSCH: No. The requirement is
24 what I stated, and that's what we are going to

1 require them to do.

2 MS. MARTIN: So, I am correct you are not
3 going to require them to have a significantly lower
4 permeability? You are going to only require them
5 to meet the one times ten minus six?

6 MR. GOETSCH: I'm going to require
7 them -- if they were ever approved, they would be
8 required to meet the standards in the law, period.

9 MS. MARTIN: So, his saying that it will
10 not leak is not true, because this is a very high
11 leakage rate?

12 MR. GOETSCH: No, I would disagree with
13 that, in that you can calculate -- and we've gone
14 through this argument, or we've gone through this
15 discussion before, as well. If it's a pure -- if
16 it's a purely scientific calculation, you come up
17 with one number. Well, the world isn't that pure.

18 I mean, you're not considering additional
19 issues in that the manure is not a consistent --
20 how do I want to say it. If you apply a strict
21 application of Darcy's Law in this case would be
22 assuming different fluid characteristics than what
23 you are going to have specifically in manure would
24 be my response.

1 And, therefore, the number that you come
2 up with, I think, is an inflated number.

3 MS. MARTIN: Are you saying that the
4 liquid, swine liquid manure is not 85 to 90 percent
5 water? Are you saying it's not that?

6 MR. GOETSCH: I'm saying that there are
7 more constituents present in the manure than just
8 water, and because of that there are other actions
9 that will take place. There are some sealing
10 properties that will occur. And not just going
11 through concrete.

12 If you have cracks, there is research out
13 there to show that poorly constructed structures
14 with manure don't leak to the level of Darcy's Law,
15 because of the sealing characteristics of the
16 material in the manure.

17 MS. MARTIN: You're referring to tech
18 note 716, which has been disputed over and over.

19 But let me ask you one more question,
20 Mr. Goetsch. Are you going to write an individual
21 permit for this facility that requires him to have
22 a smaller permeability than one times ten to the
23 minus six?

24 MR. GOETSCH: First of all, we don't

1 issue permits. This is not a permit that we are
2 issuing.

3 What we would be issuing, if they would
4 meet all the criteria, they would be receiving an
5 approval, which would allow them to construct it.

6 That construction would have to be
7 consistent with the plans and specs that they
8 provided to us that were approved, and then they
9 would not be allowed to place the facility into
10 service until we had inspected the final product
11 and ensured, assured ourselves that they had met
12 all of the construction standards that are required
13 in the statute.

14 MS. MARTIN: So, it's a permit by rule,
15 and you are using this permit language and the
16 drawings, period?

17 MR. GOETSCH: This is -- you are --

18 MS. MARTIN: This regulatory language and
19 the plans?

20 MR. GOETSCH: Well, we don't issue a
21 permit like IEPA issues a permit.

22 MS. MARTIN: No. I understand it is an
23 approval process. I understand that.

24 MR. GOETSCH: This is not a permit. It's

1 an approval.

2 MR. FRANK: I think we have established
3 that there is a disagreement here and room for
4 discussion.

5 We need to move on.

6 Mr. Anderson, did you have a question?

7 MR. ANDERSON: Not at this time. Thanks.

8 MR. FRANK: The gentleman with his hand
9 up right there.

10 MR. KOVACEVICH: Yeah. My name is Lucas
11 Kovacevich, K-O-V-A-C-E-V-I-C-H.

12 Daron, this question is for you.

13 I'm just wondering what you plan to do
14 with dead hogs from the poor living conditions they
15 are in and what percent over a year you anticipate
16 would be, would die?

17 MR. DUKE: Five percent is mortality rate
18 in buildings like this. That's pretty standard,
19 proven.

20 There is two different methods we can
21 use. One being a composting bin or composting
22 pile. The second would be a rendering service. We
23 haven't made our determination on which way we
24 would go if we are approved.

1 MR. FRANK: Front row right here.

2 MR. TIEKEN: Yes. Steve Tieken,
3 T-I-E-K-E-N.

4 This is for this gentleman here. I'm not
5 sure your name. Warren.

6 In your discussion that you just had with
7 this lady, you said that there has been many
8 scientific studies undertaken, but we live in a
9 real world.

10 Are you saying that science doesn't
11 matter and scientific studies have no relevance?

12 MR. GOETSCH: No, not at all. The one
13 study I was talking about was done by the Illinois
14 State Geological Survey where they went out and
15 looked at facilities that were in excess of 20
16 years old and did bores next to the pit out a
17 certain distance to determine if that pit was
18 leaking how far the material had moved.

19 And part of the conclusion that they came
20 to was that there was a self-sealing activity going
21 on in that, because of all the solids that are in
22 the manure that it wasn't -- you know, if it could
23 make it through the pit wall, it wasn't moving a
24 significant distance away from the pit.

1 But, again, these were facilities that
2 were built well before the Livestock Management
3 Facilities Act was put into place, well before we
4 had the design standards that we have today.

5 MR. TIEKEN: Would you not agree that one
6 study would not be enough to determine a major
7 undertaking of this? It's like going to a doctor
8 to get a second opinion. That one study would not
9 be sufficient to make that bold of a determination?

10 MR. GOETSCH: Yeah, but I guess -- I'm
11 not saying that's the only one. I'm just
12 suggesting that was one that is done in Illinois
13 that I'm aware of. Ivan Kracack (phonetic) was the
14 principle investigator that I've known for many
15 years.

16 But, that's not the only one. I guess
17 what I'm saying -- well, I don't want to rehash.

18 MS. MARTIN: But that was probably a much
19 lower permeability.

20 MR. FRANK: Hang on, Miss Martin.

21 I think there was somebody in the back
22 over there.

23 Yes, sir.

24 MR. ZUMWALT: Joe Zumwalt, Z-U-M-W-A-L-T,

1 Hancock County Farm Bureau president and Ursa
2 Farmers Co-op board chairman.

3 I would applaud the Department of Ag here
4 for just adhering to the LMFA rules, which are a
5 strict set of guidelines which determine everything
6 we are talking about here today.

7 I just have a brief question for you
8 individuals.

9 How many facilities in the State of
10 Illinois are currently licensed under the LMFA or
11 certified? Rough number. I don't need exact. But
12 it just appears to me like we are making it look
13 like this is the first one that's been certified,
14 and I just wanted to get out to the crowd just how
15 many facilities have been certified.

16 MR. GOETSCH: Since the act was in
17 place -- well, this is through the end of December
18 of last year. We had received 1638 projects, and
19 of those 1638 projects, 1207 had been approved and
20 had been built. So, a little over 1200 over the
21 last, what, 18 years, 17 years, 16 years.

22 MR. ZUMWALT: Thank you.

23 MR. FRANK: Other questions?

24 Yeah, the front row here. Ma'am.

1 MS. KOEHLER: My name is Judy Koehler,
2 K-O-E-H-L-E-R.

3 And my question is for Mr. Duke.

4 Mr. Duke, I have before me a waiver of
5 objection, and that was executed by Michael and
6 Karen Michelach (phonetic). You are aware of that,
7 aren't you?

8 MR. DUKE: Yes.

9 MS. KOEHLER: Well, it was attached to
10 your notice of intent to build this hog
11 confinement, correct?

12 MR. DUKE: Yes.

13 MS. KOEHLER: All right. And in this
14 waiver of objection it is correct that the
15 Michelach's waived any objection they have to the
16 setback requirement with respect to your hog
17 facility, correct?

18 MR. NIMS: They --

19 MS. KOEHLER: I asked Mr. Duke.
20 Mr. Duke, Mr. Duke, did they waive their objection
21 to the setback requirement?

22 MR. DUKE: They agreed to a reduction.

23 MS. KOEHLER: All right. Now, in this
24 waiver, it states that D & B Farms was the owner of

1 the site where you plan to build this hog factory,
2 isn't that correct?

3 MR. DUKE: We were the ones permitting.

4 MS. KOEHLER: Well, that isn't the
5 question I asked you.

6 Do you agree with this waiver of
7 objection that D & B Farms owns the land where the
8 facility is to sit?

9 MR. DUKE: D & B Farms will own the land
10 where the facility is to be built if approved.
11 D & B Farms are the one that is approving or
12 permitting through the State of Illinois. D & B
13 Farms is Daron Duke and Brock Brackensick. The
14 land that we are asking to build this unit on is
15 owned by my father and mother, Steve and Wanda
16 Duke.

17 MS. KOEHLER: All right. So, Steve and
18 Wanda Duke own the land on which this facility is
19 to be constructed if it is approved, isn't that
20 correct?

21 MR. DUKE: At the present time. If it
22 was to be constructed, D & B Farms would own the
23 acreage required.

24 MS. KOEHLER: But that isn't what this

1 waiver says. So, this waiver is correct, is it
2 not? Is incorrect, is it not?

3 MR. DUKE: I would have to read it, but
4 I'm going to disagree with that.

5 MR. KOEHLER: You put it on your
6 application to construct this. You signed it, and
7 you would say you have not read it?

8 MR. DUKE: Well, we own the property now.

9 MS. KOEHLER: You own the property now.
10 That's not what the -- who is we?

11 MR. DUKE: Brock Brackensick. D & B
12 Farms owns the Michelach's property at the current
13 time.

14 MS. KOEHLER: Well, that isn't the
15 question I asked you. I asked you who owns the
16 property?

17 MR. DUKE: I don't know the relevance.

18 MS. KOEHLER: Well, it's quite relevant
19 who owns the property on which you are building
20 this facility. Who is going to own the building if
21 it is constructed?

22 MR. DUKE: D & B Farms, LLC.

23 MS. KOEHLER: All right. And is it not
24 correct that it's going to be constructed on land

1 not only owned by D & B, LLC?

2 MR. DUKE: That's not correct.

3 MS. KOEHLER: It's not correct? At the
4 time that you signed this who owned the property?

5 MR. DUKE: At the time that I signed that
6 that property is owned by my mother and my father.
7 D & B Farms was going for the approval through the
8 State of Illinois.

9 MS. KOEHLER: All right. So, the setback
10 requirements, then, are based that you put here are
11 incorrect? The setback is not based on accurate
12 recommendation, accurate records, isn't that
13 correct?

14 MR. DUKE: I would have to disagree.

15 MR. FRANK: Mr. Anderson.

16 MR. ANDERSON: Nic Anderson,
17 A-N-D-E-R-S-O-N.

18 For Warren Goetsch.

19 Warren, can you kind of describe to us on
20 what the waiver system does for the LMFA? It
21 really waivers the site and the facility to any
22 neighbors. Can you kind of explain what that
23 waiver setback allows someone going through the
24 permit process to do, whether they own the land or

1 not?

2 MR. GOETSCH: Well, thanks for putting me
3 on the spot.

4 MR. ANDERSON: In general, for general
5 definition.

6 MR. GOETSCH: Well, I mean, the whole
7 purpose of the waiver is to allow for someone
8 should they want to waive their rights towards the
9 individual setback distance. It isn't -- it
10 doesn't affect the populated area setback, only the
11 individual home residential setback.

12 Traditionally the Department really
13 hasn't worried about who owned and who, whether
14 they owned the property or not. But that's
15 something that if this is an issue, we'll certainly
16 be checking with our counsel at the agency to
17 determine what, if any, relevance there is.

18 But normally the whole point is the
19 applicant, an applicant is asking for a reduction
20 in setback distance.

21 MR. ANDERSON: To follow up on that,
22 could someone amend a waiver or an agreement as you
23 go through the application process to try to
24 clarify some uncertainty that a neighbor might have

1 or an issue out there? They can always go back and
2 renote, correct? Can they make an amendment and
3 maybe change a clerical error or maybe a timeline
4 that someone doesn't agree with to make it more
5 correct?

6 MR. GOETSCH: We have had -- yes, we have
7 had setbacks -- or excuse me. We have had waivers
8 resubmitted in the past. We've also had certainly
9 notices of intent to construct amended in the past.
10 And I believe that there are provisions in the
11 statute that determine what level of an amendment
12 would require us to go back to the county board and
13 what would not.

14 MR. ANDERSON: All right. Thanks.

15 MR. FRANK: Mr. Maiers.

16 MR. MAIERS: Tim Maiers, M-A-I-E-R-S.

17 Daron, a question to the land, whether
18 LLC or your mother and father own it. Regardless,
19 how long has that land been in your family?

20 MR. DUKE: Boy, 1934 my great grandfather
21 purchased it.

22 MR. MAIERS: Okay. Thank you.

23 MR. FRANK: Yes, Ms. Koehler.

24 MS. KOEHLER: Thank you very much. My

1 additional question is to Daron.

2 Daron, I have before me a recorded deed
3 dated April 10th, 2007, in which this deed states
4 that the property on which the hog confinement is
5 to be built belongs to Steven K. Duke and Wanda K.
6 Duke.

7 Has any deed been executed with respect
8 to the ownership of that property and recorded as
9 of the date that you filed your notice of intent to
10 construct?

11 MR. DUKE: A new deed?

12 MS. KOEHLER: Correct.

13 MR. DUKE: No, one has not been executed.

14 MS. KOEHLER: Thank you. I have one, an
15 additional question also for Mr. Nims. I believe
16 it was Mr. Nims who stated that with respect to
17 runoff water the runoff would be, would be diverted
18 away from the building. Isn't that what you
19 stated?

20 MR. NIMS: Fresh water, rainwater, yes.

21 MS. KOEHLER: All right. Well, please
22 explain, you or Mr. Duke, how that water is going
23 to be diverted and to where are you going to divert
24 it?

1 MR. NIMS: When the pit is dug, obviously
2 they are talking five foot into the ground, there
3 will be that dirt that's dug out for the concrete
4 pit will be set aside, and then once the pit wall
5 is designed to have backfill within three foot of
6 the top of the eight-foot pit depth, it has to be
7 backfilled to a minimum of three foot to the top of
8 that.

9 So, that ground, that dirt will be
10 backfilled on the outside of the barn and then
11 sloped away so that any fresh water rainfall falls,
12 that falls near the building runs away from the
13 building and not into the pump outs.

14 MS. KOEHLER: Well, it's going to run
15 away from the building toward what?

16 MR. NIMS: The natural drainage of the
17 site.

18 MS. KOEHLER: Okay. So, it's going to be
19 diverted into the streams and the -- because at the
20 base of where you plan to build this construction
21 there is a culvert, and the culvert, the water runs
22 through the culvert over onto the other side and
23 onto my property ultimately and into White Oak
24 Creek and then on into Bear Creek and then on into

1 the Mississippi. So, whatever runs off the
2 construction site will run ultimately into my
3 streams.

4 MR. NIMS: It's fresh water. It's the
5 same as the way it's falling. If it falls on the
6 ground now and runs that direction, it will run
7 that way after the site, too. I don't --

8 MS. KOEHLER: But there are spills at
9 these sites. We read about them all the time.
10 It's documented in case law that there are spills.

11 But are you going to have a holding pond,
12 Daron?

13 MR. DUKE: I don't know. At the current
14 time we do not intend in constructing a holding
15 pond. I don't know what type of spills you are
16 referring to.

17 MS. KOEHLER: Well, I'm referring to any
18 type of -- like the drag line. The drag line is
19 going to spill when you empty this, your holding
20 tank, you are going to have some spillage there.

21 What is going to happen to the spillage?
22 What is going to happen to all the runoff with
23 respect to this facility?

24 And you say it's going to be diverted

1 into the nearby streams. Well, that means onto my
2 property.

3 MR. NIMS: I said the fresh water was
4 going to be diverted.

5 MS. KOEHLER: Well, what's going to
6 happen to the water that's not fresh that comes out
7 of that facility?

8 MR. NIMS: This facility isn't allowed to
9 have any release from the site.

10 MS. KOEHLER: One more question for
11 Daron.

12 Daron, in our telephone conversation
13 February 6th, you indicated that you were not going
14 to have one building as is shown on your notice of
15 intent to construct. You were going to have two
16 buildings.

17 What are you going to have?

18 MR. DUKE: Well, they are -- I guess it's
19 a difference -- Jake, you might have to help me out
20 here as far as how you want to interpret it. It is
21 going to be one long continuous building. There is
22 going to be a load-out area in the middle, as well
23 as offices in the middle of the facility.

24 MS. KOEHLER: Okay. Thank you.

1 MR. FRANK: Sir in the back.

2 MR. GERDES: William Gerdes, G-E-R-D-E-S.

3 She brings up -- the previous speaker
4 brought you an interesting point and got me to
5 thinking.

6 The fresh water runoff, and, Daron, you
7 said it's a long building, I believe, 500 some odd
8 feet long.

9 MR. DUKE: Sixty-one.

10 MR. GERDES: 561 feet long?

11 MR. NIMS: Yes.

12 MR. GERDES: Seventy feet wide.

13 Have you given any consideration to
14 collecting the fresh water runoff from such a huge
15 roof and, as I believe Mr. Leeper indicated, to
16 store that somehow to take the load off of the
17 groundwater to -- you said, I think, you would be
18 sucking two million gallons of water out of the
19 ground.

20 Have you given any consideration to the
21 ecological benefits of using your facility to take
22 load off of the groundwater and to actually recycle
23 your fresh water runoff from -- he is the engineer.
24 He could figure out how many acre feet you are

1 going to have. But have you given any
2 consideration to that?

3 MR. DUKE: No, I have not given any
4 consideration to that.

5 MR. GERDES: Follow up. Would you?

6 MR. DUKE: I would look at it.

7 MR. GERDES: Saving money doesn't
8 interest you?

9 MR. DUKE: I would have to look at it. I
10 mean, I can't say right now. I would have to look
11 at it.

12 When, I mean, I look at the rain cycle,
13 it rains, it goes down, it evaporates, comes back
14 up, goes down through the soil. I mean, I think
15 it's all kind of in the same principle. I mean,
16 the ecosystem gets replenished by rainwater.

17 MR. GERDES: But this is falling on your
18 metal roof?

19 MR. DUKE: Yeah. And then it rolls off,
20 it goes into the ground, and then it goes down into
21 the ecosystem.

22 MR. GERDES: But I'm sure your great
23 grandfather had a lovely cistern at his homestead
24 to collect and use the rainwater. I just wondered

1 if you had given any thought to taking the load off
2 our your neighbor's groundwater?

3 MR. DUKE: At the current time we have
4 not.

5 MR. FRANK: Sir.

6 MR. LOMAX: Daron, in previous
7 conversation --

8 MR. FRANK: Could you state your name
9 again, please.

10 MR. LOMAX: Jeff Lomax, L-O-M-A-X.

11 Where do you intend to get the water
12 from? There is two water supplies potentially.

13 MR. DUKE: Really, to be quite honest
14 with you, that hasn't been determined. Everybody
15 is doing a lot of assumptions right now, you know,
16 which always kind of makes me scratch my head.

17 We have three different avenues to get
18 water there. We have two wells and a public water
19 system.

20 MR. LOMAX: Okay. To add onto -- maybe I
21 heard something maybe. Is it right that you have
22 to have a 200-foot setback on a well if you drill
23 it at that site?

24 MR. NIMS: A hundred.

1 MR. DUKE: A hundred.

2 MR. LOMAX: A hundred foot. Thank you.

3 MR. GALLAMORE: Jerry Gallamore.

4 Daron, the family that signed the waiver,
5 signed it on December 26th, are they still living
6 there?

7 MR. DUKE: Are they still living there?

8 MR. GALLAMORE: Yes.

9 MR. DUKE: No, they are not.

10 MR. GALLAMORE: Did you purchase that
11 property from them just a few days after that?

12 MR. DUKE: Thirty days.

13 MR. GALLAMORE: Out of foreclosure?

14 MR. DUKE: No, it was not.

15 MR. GALLAMORE: The house, I understand,
16 was in foreclosure?

17 MR. DUKE: You are misinformed.

18 MR. GALLAMORE: Well, the superintendent
19 of assessments told me this.

20 MR. DUKE: Well, the courthouse doesn't
21 have that documentation.

22 MR. GALLAMORE: But did you buy it from
23 them just a few days after you signed this waiver?

24 MR. DUKE: Thirty days.

1 MR. FRANK: Sir.

2 MR. TIEKEN: Steve Tieken, T-I-E-K-E-N.

3 I wonder if Mr. Duke and Mr. Nims have considered
4 that this proposed pump factory sits within a
5 well-known tornado zone. All anybody has to do is
6 drive up to the Lima area and you see trees
7 severed. Lima was destroyed, and this has been
8 more than once.

9 So, have you considered that?

10 MR. DUKE: It missed that location last
11 time it went through. It went to the north. I
12 think that's a pretty consistent avenue.

13 MR. FRANK: Ms. Martin.

14 MS. MARTIN: Kathy Martin, M-A-R-T-I-N.

15 Can we talk about your odor vacant plan.
16 You made a statement in your presentation that you
17 were going to use the most recent science, is that
18 true?

19 MR. NIMS: I think it's reasonable and
20 innovative technologies, I think, is the statement.

21 MS. MARTIN: What did you just tell the
22 people here today? So, most recent and available.

23 Are you going to be using biofilters?

24 MR. NIMS: There is no plans for a

1 biofilter at this time.

2 MS. MARTIN: How much ammonia is going to
3 volatilize and be kicked out of the barns by the
4 fans, do you know?

5 MR. NIMS: I do not know.

6 MS. MARTIN: If I were to tell you -- do
7 you think it's 5 percent of the ammonia, 10, 25?

8 MR. NIMS: I don't know.

9 MS. MARTIN: You don't know what the NRCS
10 says that you're going to have for volatilization
11 out of a hog barn?

12 MR. NIMS: I do not, no.

13 MS. MARTIN: You're an agricultural
14 engineer?

15 MR. FRANK: Do you have a question?

16 MS. MARTIN: If I told you that it was 25
17 percent of the nitrogen you generated and that that
18 would be 36,000 pounds of nitrogen per year, do you
19 know any different?

20 MR. NIMS: Not at this time, no.

21 MS. MARTIN: So, as you told the
22 gentleman over here you were not going to have any
23 filters on your fans, right?

24 MR. NIMS: Correct.

1 MS. MARTIN: So, you got 36,000 pounds of
2 nitrogen as ammonia come out of those fans and
3 there is no filter.

4 Do you consider that to be odor control?

5 MR. NIMS: Yes.

6 MS. MARTIN: How? There is no control.
7 Do you just have a mind meld or something? There
8 is no physical filter, correct?

9 MR. NIMS: You're correct, there is no
10 physical filter.

11 MS. MARTIN: So, all that ammonia goes
12 out into to the ambient environment, correct?

13 MR. NIMS: According to you.

14 MS. MARTIN: Okay. According to the
15 NRCS, which is a few more people like me.

16 MR. FRANK: Ma'am, questions, please.

17 MS. MARTIN: Are you aware of the
18 research for biofilters?

19 MR. NIMS: I'm aware of research that
20 shows biofilters have been effective and some that
21 have shown they haven't been effective.

22 MS. MARTIN: So, do you know how much a
23 biofilter costs?

24 MR. NIMS: I do not, no.

1 MS. MARTIN: If I told you it was about
2 \$4,000, would that surprise you?

3 MR. NIMS: Would it surprise me? I said,
4 I don't know what one costs.

5 MS. MARTIN: So, Mr. Duke, would you put
6 biofilters on your hog barns to make sure that
7 36,000 pounds doesn't go to your neighbors'
8 property?

9 MR. DUKE: I'm going to adhere to the
10 regulations of the Livestock Facilities Management
11 Act.

12 MS. MARTIN: So, you are going to say no?

13 MR. DUKE: I'm going to adhere to the
14 rules and regulations of the Livestock Facilities
15 Management Act?

16 MS. MARTIN: All you have to do is say,
17 no, I am not going to put biofilters on. It's not
18 a hard question.

19 MR. FRANK: Are there other questions?
20 Mr. Anderson.

21 MR. ANDERSON: Nic Anderson,
22 A-N-D-E-R-S-O-N.

23 Daron, are you going to implement the
24 best management practices when it comes to managing

1 odor, managing manure, and managing pigs in your
2 facility?

3 MR. DUKE: Yes.

4 MR. ANDERSON: Thank you.

5 MR. FRANK: Miss James.

6 MS. JAMES: Stacy James, J-A-M-ES.

7 First question is for Mr. Goetsch.

8 The applicant described using a certified
9 manure applicator.

10 Does Illinois have a certified manure
11 applicator program?

12 MR. GOETSCH: No.

13 MS. JAMES: So, can you imagine what he
14 meant by that?

15 MR. GOETSCH: I apologize. I don't
16 recall him saying that.

17 MS. JAMES: Would you like to respond,
18 Mr. Duke?

19 MR. GOETSCH: I thought he said that he
20 was going to --

21 MS. JAMES: Go ahead.

22 MR. GOETSCH: I thought he said that he
23 was going to be, what was it, hiring a, what, a
24 professional waste hauler to --

1 MR. NIMS: I think custom applicator.

2 MR. GOETSCH: Custom applicator. Thank
3 you.

4 MS. JAMES: I heard the words certified
5 manure applicator, so that's why I asked the
6 question.

7 MR. GOETSCH: But to answer your
8 question, Illinois does not have a formal program.
9 I think maybe Wisconsin might, but all we have at
10 this point is the certified livestock management
11 program.

12 MS. JAMES: So, is the certified
13 livestock program --

14 MR. GOETSCH: Yeah. That's the only
15 formal program that we administer now is the
16 certified livestock manager program.

17 MS. JAMES: And question for Mr. Nims.
18 When you were doing your soil boring, did
19 you encounter the water table?

20 MR. NIMS: I do not believe so, no.

21 MS. JAMES: Okay. So, why are you having
22 perimeter drainage tubing?

23 MR. NIMS: Because although we didn't
24 encounter it during the borings, I believe the

1 county soil survey data does say that it's within
2 the bottom -- the seasonal high water table is at
3 the bottom of the pit level elevation.

4 MS. JAMES: And my understanding is that
5 Frank & West Engineers previously did some
6 engineering for some hog confinements that were
7 alleged to have hog waste leak from the facility
8 via perimeter foundation drainage tubing, and I'm
9 wondering what will be done differently at D & B
10 Farms so that this doesn't happen?

11 MR. NIMS: I can't really speak to the
12 specifics of other projects, I guess, what would
13 have happened there.

14 MS. JAMES: I'm not asking you about
15 another project.

16 MR. NIMS: Your characterization that it
17 leaked because of the perimeter tile I don't
18 believe is accurate.

19 If there is a problem with the pit, the
20 tile serves as a warning system to detect a leak, I
21 guess.

22 MS. JAMES: Well, are you familiar with
23 the case of State of Illinois versus Professional
24 Swine Management, et al., 2010, in which they

1 alleged that swine waste was discharged from three
2 facilities via the perimeter drainage tubing?

3 MR. NIMS: I'm aware of, yes, there is a
4 lawsuit, yes.

5 MS. JAMES: Okay. Thank you.

6 And then, finally, when did you expect
7 the concrete restorage pit to start developing
8 cracks, and what will Mr. Duke do about those
9 cracks when they do develop, because, as
10 Mr. Goetsch presented, there is such a thing as
11 biologic sealing of lagoons?

12 For example, when you leave the waste in
13 the pit, you do get some natural biological sealing
14 that prevents further seepage; but if you are
15 pumping out that pit once a year, I'm wondering if
16 that is going to basically take away that sealage
17 and if the cracks, if there is going to be then
18 subsequent sealing or seepage through any cracks?

19 MR. NIMS: I don't think it would be
20 accurate to say that the pit probably ever gets
21 completely pumped out and clean. So, I think it's
22 safe to say that there is always going to be some
23 manure in that pit.

24 MR. FRANK: Mr. Leeper.

1 MR. LEPER: Tom Leeper, L-double E-P-E-R.

2 Mr. Nims, if I understood you correctly,
3 you said you were using innovative science in the
4 development and design of this project?

5 MR. NIMS: Correct.

6 MR. LEEPER: Innovative science?

7 MR. NIMS: Correct.

8 MR. LEEPER: And I think it was
9 Mr. Anderson threw out a softball question for you
10 that you are going to use the best practices. And
11 Mr. Duke said yes.

12 Are you familiar with the University of
13 Illinois Agricultural Department they are working
14 on biofilters?

15 MR. NIMS: As far as specific research?

16 MR. LEEPER: Yes.

17 MR. NIMS: No.

18 MR. LEEPER: What college did you go to?

19 MR. NIMS: University of Illinois
20 actually.

21 MR. LEEPER: So did I. I got an
22 engineering degree.

23 Why, if biofilters help reduce the odor,
24 don't you do everything you can do to help the

1 neighbors out?

2 MR. NIMS: Again, like I mentioned
3 earlier, I've seen studies for, that say they are
4 effective, and I've seen studies that say they are
5 not effective.

6 MR. FRANK: We have been going almost an
7 hour and a half here on the questions, and I'm sure
8 the court reporter's fingers are probably getting a
9 little tired. One final question.

10 Yes, sir.

11 MR. TUSHAUS: Kevin Tushaus,
12 T-U-S-H-A-U-S.

13 My cabin sits 2300 feet from the site,
14 the proposed site. I'm probably the closest
15 neighbor without a vested interest in this deal. I
16 ask anyone in this room, would anyone be willing to
17 live that close to a facility like this? The
18 questions are to be directed to the Department and
19 the facility.

20 Okay. Then I'll move on. Does anyone
21 like to live that close to a facility like this for
22 the rest of your life?

23 MR. DUKE: I can answer that. You will
24 find people in Adams County who will live that

1 close to a facility.

2 MR. TUSHAUS: Why didn't you put it in
3 your backyard, Daron?

4 MR. DUKE: Very simple. I was too close
5 to Tom Leeper's front door.

6 MR. TUSHAUS: Well, it's pretty darn
7 close to my house.

8 MR. DUKE: Yeah. It was under a quarter
9 mile. We looked at it. I don't think Mr. Leeper
10 would have signed a waiver.

11 MR. TUSHAUS: Is anyone living in that
12 house right now, the Michelach house?

13 MR. DUKE: Yes.

14 MR. TUSHAUS: Have they signed a waiver?

15 MR. DUKE: No. They intend on living
16 there for as long as they would like. They
17 actually were not deterred by the fact that we were
18 going to be building this project one bit.

19 There are people out there. I mean, I
20 had lunch with one yesterday who lives about 400
21 feet from one. She recommended that anybody has
22 any questions living next to a hog unit she would
23 be more than happy to talk to them because she
24 enjoyed it.

1 MR. FRANK: I would like to thank you for
2 author your questions. I think we had a good
3 exchange of information and different opinions
4 here. We are going to end the question and answer
5 phase here, and we are going to take about a
6 ten-minute break, and we will then come back and
7 resume with the oral testimony phase. Why don't we
8 meet back here, let's say, 8:20, to start at 8:20.

9 (Whereupon a short
10 recess was taken.)

11 MR. FRANK: Okay. We will get started
12 here with the oral testimony. We had a question
13 here at the break. If anyone would like to submit
14 any written testimony after this hearing or after
15 this public informational meeting, you are more
16 than welcome to do that. You can send that into
17 the Department, but address it to or identify it as
18 relating to this particular project.

19 And if anyone would like to present any
20 written testimony in lieu of any oral testimony
21 tonight, if you have it written down and you would
22 just like to submit it as written testimony, you
23 can do that also. We will take written testimony
24 after we do the oral testimony phase.

1 I've got the list here of those who wish
2 to provide oral testimony. I'll go down the list
3 and call the names of those who wish to testify,
4 one at a time.

5 When called upon, please step up to the
6 microphone to my right, state your name and spell
7 your name. I will then swear you in. Remember,
8 you will have three minutes to provide oral
9 testimony, and you will be subject to questioning
10 after your testimony.

11 The first name on the list is Terry
12 Smith. And just so you might get prepared, the
13 next name on the list is Judy Koehler.

14 Would you state your name and spell it,
15 please.

16 MR. SMITH: Terry Smith, T-E-R-R-Y,
17 S-M-I-T-H.

18 (Whereupon witness sworn).

19 MR. FRANK: You may proceed.

20 MR. SMITH: Good evening. I'm Terry
21 Smith, president of the Adams County Farm Bureau.
22 We're comprised of over 1600 farm families.

23 Tonight we are gathered to discuss a
24 proposed hog farm in Lima Township and to provide

1 input on eight siting criteria outlined in the
2 Livestock Management Facilities Act.

3 On behalf of the Adams County Farm
4 Bureau, we appreciate the opportunity to provide
5 input on this topic and commend the Department of
6 Agriculture for its role in implemented the
7 Livestock Management Facility Act.

8 The Adams County Farm Bureau supports
9 livestock production as a viable segment of the
10 agricultural industry and encourages responsible
11 management practices for all producers to enhance
12 the quality of life of rural residents and ensure
13 compliance with state and federal regulations.

14 We believe that animal agriculture must
15 be allowed to continue and have a presence within
16 Adams County.

17 In 2011 animal agriculture represented
18 22 percent of the agriculture receipts for the
19 county. According to a research report completed
20 by Dr. Peter Goldsmith at the University of
21 Illinois in 2011, titled The Economic Impact of
22 Illinois's Livestock Industry, livestock in Adams
23 County accounts for more than 464 jobs, contributes
24 more than 69 million dollars to the county's

1 economy, and more than four million dollars in
2 taxes.

3 With changes in technology, more emphasis
4 on efficiencies and the economics of scale, the
5 size of agricultural operations has increased.
6 This increased size of ag operations has occurred
7 in both animal and crop production across all areas
8 of our country.

9 Although the size of our farms has
10 changed, the values that continue to guide Illinois
11 farmers have not. We are committed to producing a
12 safe product, providing quality animal care,
13 protecting our air, land, and water.

14 We ask that the Department review the
15 eight points that are subject to this public
16 information meeting and assure surrounding
17 residents that the proposed farm is consistent with
18 the act.

19 In regard to all aspects of the
20 regulation requirements being design, location, and
21 impacts on infrastructure, we ask that the
22 Department utilize their expertise and carefully
23 review all aspects of the proposed farm to
24 determine its eligibility for approval based on the

1 act.

2 As the county agricultural organization
3 representing both crop and livestock interests in a
4 nation where two-thirds of our corn crop goes
5 towards feed grain for livestock, we feel it's
6 extremely important to provide markets for the
7 grain products. Thus, this proposed hog farm
8 provides an opportunity for both livestock and
9 grain industries in Adams County.

10 The Adams County Farm Bureau has
11 developed a program to feed the needy here in the
12 county by partnering with local livestock
13 producers, meat processors, and the County Farm
14 Bureau. Any farmer willing to donate livestock to
15 the Farm Bureau, then pay for the processing by the
16 Farm Bureau, the meat is ground, packaged in
17 two-pound packages, and distributed to the 14 food
18 pantries in Adams County, and is then distributed
19 free of charge to those in need.

20 Since July, the start of our county's
21 Farm Bureau fiscal year, we have distributed over
22 3200 pounds of meat to those in need from generous
23 farmers throughout the county. This type of
24 assistance wouldn't be available if we didn't have

1 livestock facilities in our county like the one we
2 are here to discuss tonight.

3 We appreciate this opportunity to provide
4 these comments as part of this informational
5 meeting.

6 MR. FRANK: Thank you. Are there
7 questions for this witness?

8 Yes, sir.

9 MR. TIEKEN: Steve Tieken, T-I-E-K-E-N.

10 You mentioned that the work you are doing
11 to feed the homeless and the supply that you use.

12 Would you not agree that the deer hunters
13 do just the same thing?

14 MR. SMITH: They do. And I didn't say
15 homeless. I said hungry.

16 MR. TIEKEN: Well, hungry, homeless, or
17 whatever.

18 MR. SMITH: But, yes, we provide an
19 additional source of protein to 14 food banks in
20 the county, and that seems to be a never ending
21 need, and the deer hunters don't fulfill it either.

22 MR. FRANK: Yes, Ms. Martin.

23 MS. MARTIN: Do you know how much waste
24 this facility will generate?

1 MR. SMITH: No. I haven't been in hog
2 production at any point in my life. I have got a
3 pretty good idea. I live close to one.

4 MR. FRANK: Other questions?

5 (No response.)

6 MR. FRANK: Thank you.

7 Next up is Judy Koehler, and after Miss
8 Koehler is Kevin Tushaus.

9 Could you state your name and spell it,
10 please.

11 MS. KOEHLER: My name is Judy Koehler,
12 K-O-E-H-L-E-R.

13 (Whereupon witness sworn.)

14 MR. FRANK: You may proceed.

15 MR. KOEHLER: Thank you very much,
16 members of the county board, for conducting this
17 hearing. We appreciate it very much. I am a
18 member of the Adams County Chapter of FARM,
19 Families Against Rural Messes, and we appreciate
20 the opportunity to talk with you.

21 My family has lived in and farmed and
22 worked in Adams County and at the site, the farm in
23 Lima since the late 1800's. We've lived and worked
24 here. I intend to continue to live and work here.

1 I don't intend to sell my farm. I don't -- I want
2 to live here. Indeed, since my mother passed away
3 and I possessed the farm, I wanted to build a home
4 or a cabin.

5 And, now, three weeks ago I get a notice
6 of intent to build a hog factory. So, I'm left
7 with a very difficult decision. What do I do?

8 So, I called my appraiser. The appraiser
9 said with respect to my 20-acre home site he said,
10 well, Judy, it's probably worth \$5,000 an acre
11 today, but the moment the Department of Agriculture
12 approves that facility, your value is reduced by at
13 least 50 percent. Indeed, it may even go down to
14 zero because nobody, no buyer will buy a home site
15 and build 500 feet from a hog confinement because
16 of the odor, the traffic, the noise, the
17 environmental impact on your air and your water.

18 Now, I ask you, is that fair, that the
19 government can take away from my right to enjoy my
20 property and give it to D & B for their benefit?

21 No.

22 We have prepared for you, and I will
23 offer this as an exhibit, our response to each of
24 the eight criteria that you are being asked to keep

1 in mind as you make your decision. I hope you will
2 read it, but there is --

3 We have taken each of the criteria and
4 discussed them, but most importantly I want to
5 mention water runoff. This facility drains right
6 into the stream that's on my property, and it's an
7 active stream. My son hunts, and he has a picture
8 of himself and one of his deer, and there is
9 running water there. And it drains into White Oak
10 Creek and on into Bear Creek and on into the
11 Mississippi River.

12 The problem of water runoff and its
13 possible pollution of the water is very serious.

14 Thank you very much.

15 All the other concerns are addressed in
16 my written notes, and I give the rest of my time to
17 the next speaker.

18 Thank you very much.

19 MR. FRANK: Thank you.

20 Are there questions for this witness?

21 Mr. Anderson.

22 MR. ANDERSON: Nic Anderson,

23 A-N-D-E-R-S-O-N.

24 Judy, you said you're with Adams County

1 FARM, a group you're with?

2 MS. KOHLER: We are the Adams County
3 Chapter of FARM, which is Families Against Rural
4 Messes.

5 MR. ANDERSON: How many members do you
6 have in the Adams County group here?

7 MS. KOEHLER: We are an informal group.

8 MR. ANDERSON: You're not a 501C3?

9 MS. KOEHLER: No, we are not.

10 MR. ANDERSON: And you said you live
11 here. Do you have a -- you live in Lima, or what's
12 your address? What's your residence?

13 MS. KOEHLER: My address is Box 5, Lima.

14 MR. ANDERSON: Okay. You don't live in
15 Evanston or have a household there or -- you
16 actually live here full-time?

17 MS. KOEHLER: No, I do not.

18 MR. ANDERSON: Okay. So, you're not
19 really a resident?

20 MS. KOEHLER: I answered your question.
21 Thank you.

22 MS. ANDERSON: Okay.

23 MS. KOEHLER: I said my family had been
24 here since the late 1800's. I rather doubt that

1 many other people in this room their family has
2 lived here any longer.

3 MS. ANDERSON: True.

4 And from the map we saw tonight, you
5 talked about 500 feet from the proposed facility?

6 MS. KOEHLER: The corner of my property
7 is 500 feet, and that is what Daron Duke used as a
8 number when I spoke with him on February 6th, 500
9 feet from the proposed facility.

10 MR. ANDERSON: From your property or
11 where you are going to build your house?

12 MS. KOEHLER: My property.

13 MR. ANDERSON: And what about the cabin
14 you are going to build, is it 500 feet?

15 MS. KOEHLER: There is a home site there
16 that has beautiful oak trees and beautiful walnut,
17 and that is where I'm going to build the cabin.

18 MR. ANDERSON: You mentioned you had an
19 appraised value of 5,000 an acre?

20 MS. KOEHLER: I spoke with my appraiser,
21 and that was his estimation.

22 MR. ANDERSON: And would you be willing
23 to take a bid from somebody for 5,000 if this farm
24 was built?

1 MS. KOEHLER: If the hog factory is
2 built, you think I'm going to get a bid of \$5,000
3 an acre for that property?

4 MR. ANDERSON: I'll go on record tonight
5 I will offer you \$5,000 an acre for that property
6 as it sits today, hog farm or not. Thanks for your
7 time.

8 MR. FRANK: Mr. Maiers.

9 MS. KOEHLER: Thank you for your offer.

10 MR. MAIERS: Tim Maiers, M-A-I-E-R-S.

11 I had a question for you. You talked
12 about your plans to build your log cabin there.

13 Did you ever share those plans with
14 Mr. Duke?

15 MS. KOEHLER: I do not know Daron Duke.
16 I have only had one telephone conversation with
17 him.

18 MR. MAIERS: So, you never told him about
19 your plans to do that?

20 MS. KOEHLER: The conversation was on
21 February 6th. I can't recall whether I had
22 received the notice of intent to construct at that
23 point. I probably did.

24 MS. MAIERS: All right. One other quick

1 question. You talked about the \$5,000 that your
2 assessor had talked about, and then he said that if
3 the hog farm was built it would be less than half
4 of that. What did he base that on, any other sales
5 data or anything that would be based on that, other
6 sales of land around hog buildings?

7 MS. KOEHLER: I cannot speak for my
8 assessor on what he based his estimate, but he has
9 assessed property in Adams County for many, many
10 years.

11 MR. MAIERS: Okay. Thank you.

12 MR. FRANK: Miss Martin.

13 MS. MARTIN: On your property, when we
14 are talking about the proposed hog farm, how
15 close is -- it's my understanding there is a
16 culvert that takes the rainwater from this property
17 underneath the road across to some woods into a
18 creek.

19 Does that creek run across your property?

20 MS. KOEHLER: Yes, it does. That creek
21 runs the full length of my property down to White
22 Oak Creek, and White Oak Creek runs into Bear
23 Creek, which then runs into the Mississippi River
24 at the Bear Creek recreational area.

1 MS. MARTIN: So, if any -- like, for
2 example, if the drag hose came unhooked and five
3 miles of poop came out of it, would it end up
4 somewhere in a creek that goes around your
5 property, even if it was at the barn or at the land
6 application areas?

7 MS. KOEHLER: Yes.

8 MR. FRANK: Other questions?

9 Steve Duke. Mr. Duke, go ahead.

10 MR. STEVE DUKE: Steve Duke, D-U-K-E.

11 Judith, I have a question. Where this
12 site is going right now, I have 24 head of cows
13 running in that pasture and calves. Now, their
14 waste is going down your creek, my creek, too.
15 Now, you haven't complained about that over the
16 years, and I would imagine, according to the people
17 that stock, would that be more, I'm going to say,
18 waste now than when this building goes in?

19 MS. KOEHLER: I'm not sure I understand
20 your question correctly, but here is my response.
21 My response is that I would differentiate between
22 what we are discussing tonight, a large hog
23 confinement that's going to be raising 10,000 hogs
24 per year, and the 20 or so cattle that you have on

1 that property. I don't object to you raising that
2 20 or so cattle. I don't care, and I don't object
3 to you raising hogs on that property.

4 I object to the size of the hog
5 confinement that is being proposed here. It is the
6 size that is dangerous to our environment. It is
7 the size of the hog facility that is degrading the
8 value of my property, and that is what I object to.

9 MR. STEVE DUKE: Well, I'm going by what
10 you are talking about runoff. That's what I'm
11 going by off the building.

12 MS. KOEHLER: The runoff that goes into
13 your creek, is that correct?

14 MR. STEVE DUKE: Right. I'm just saying
15 the runoff isn't going to be any greater then than
16 what it is now, am I right? It's the same acres,
17 the same area, the same amount of water.

18 MS. KOEHLER: I don't think that that's
19 an accurate comparison. Thank you.

20 MR. FRANK: Any other questions?

21 Sir, in the back.

22 MR. GASELER: Rich Gaseler,
23 G-A-S-E-L-E-R, is my last name, and I just wanted
24 to ask you a couple of questions.

1 First of all, you said 20 acres is your
2 home site, is that correct?

3 MS. KOEHLER: Correct.

4 MR. GASELER: Is there more ground
5 involved than that?

6 MS. KOEHLER: I was discussing the
7 20-acre home site. I own more ground than that,
8 but my point was the 20-acre home site.

9 MR. GASELER: Okay. I just want you to
10 think of something. You have 20 acres invested.

11 MS. KOEHLER: I thought it was a
12 question.

13 MR. GASELER: Would you think of this?
14 You have 20 acres at \$5,000 an acre. That's a
15 hundred thousand dollars. This man sitting here
16 has got millions invested.

17 Who do you think has the most to lose,
18 you or him?

19 MS. KOEHLER: Me.

20 MR. GASELER: So, you're going to lose a
21 hundred thousand and you are going to cripple this
22 man of making a living for 25 years?

23 MS. KOEHLER: He is, he is taking my
24 right of peaceful enjoyment of my property.

1 MR. GASELER: What are you doing to him?

2 MS. KOEHLER: Nothing. I did nothing to
3 deserve this.

4 MR. GASELER: I don't know that he did
5 anything to deserve this from you.

6 MS. KOEHLER: He is going to raise 10,000
7 hogs a year that are going to stink, they are going
8 to cause rats, they are going to cause bugs, they
9 are going to cause noise.

10 MR. GASELER: Have you lived by one
11 before?

12 MS. KOEHLER: Pardon?

13 MR. GASELER: Have you lived by one
14 before?

15 MS. KOEHLER: I have toured them.

16 MR. GASELER: Have you lived by one
17 before?

18 MS. KOEHLER: No, and I hope I don't in
19 the future.

20 MR. GASELER: I was just asking, because
21 some of the stuff that you're saying -- I do live
22 by a few of them, and what you've got conjured in
23 your mind is not right.

24 MR. FRANK: Is there a question?

1 MR. GASELER: I did ask her. I said did
2 she live by one, and I just wanted her to take --

3 MS. KOEHLER: That was answered. I
4 answered that.

5 MR. FRANK: Is there another question?
6 Further questions?

7 Mr. Maiers.

8 MR. MAIERS: Tim Maiers, M-A-I-E-R-S.

9 You mentioned that this proposed farm is
10 too large and you wouldn't, that the size of the
11 farm was a problem. I guess I'm interested how
12 many hogs, then, is it okay to raise, for the
13 Duke's to raise? What would be an appropriate
14 number for them to raise and make a living in your
15 estimation?

16 MR. KOEHLER: I have no objection to the
17 family farmer that raises hogs, but what I do
18 object to are these large hog confinements that
19 raise thousands of hogs, that pollute the air, that
20 pollute the water, that stink, and cause a lot of
21 traffic problems, and that's to what I object, the
22 large hog confinements.

23 MR. MAIERS: That's what I'm trying to
24 say. More than a thousand head? What is that? I

1 guess that that's --

2 MS. KOEHLER: I'm not on trial here. I
3 don't have to answer that question.

4 MR. MAIERS: I'm just asking.

5 MR. FRANK: Ma'am, it's just a question
6 he asked you.

7 MR. KOEHLER: Would Daron accept a
8 smaller number? Thank you.

9 MR. MAIERS: What's the appropriate
10 number --

11 MS. KOEHLER: Thank you. Thank you.

12 MR. MAIERS: (Continued) -- of hogs to be
13 raised?

14 MS. KOEHLER: Thank you. I said that I'm
15 not going to answer that.

16 MR. FRANK: Okay. Ma'am.

17 MS. LEEPER: Margaret Leeper,
18 L-E-E-P-E-R.

19 And I have sat through this thing and
20 listened to everyone, and everyone that has spoken
21 to Judy about the value of her land.

22 What value can you put on land that's
23 been in the family for years and years? What value
24 can you put on someone's loss of enjoyment?

1 MR. FRANK: Ma'am, do you have a question
2 for Miss Koehler?

3 MS. LEEPER: What value can you put on
4 that, Judy?

5 MS. KOEHLER: It's valueless. The
6 memories.

7 MS. LEEPER: Priceless?

8 MS. KOEHLER: The memories, my great
9 great grandparents that I showed you. This is from
10 the Adams County atlas from the 1800's. This is
11 the -- and I gave each of the board members a copy
12 of this. And this is beautiful, beautiful,
13 beautiful. A lithograph. And this barn was on the
14 Adams County historic tour of barns. I'm very
15 proud of that.

16 Do you think in a hundred years that
17 Adams County is going to have a tour of hog
18 confinements?

19 MR. FRANK: Are there other questions?

20 (No response.)

21 MS. KOEHLER: Are they going to be proud
22 of that?

23 MR. FRANK: I see none. Thank you very
24 much.

1 MS. KOEHLER: Thank you.

2 MR. FRANK: Next up we have Kevin

3 Tushaus. Next up is Kathy Martin.

4 State and spell your name, please.

5 MR. TUSHAUS: Thomas, T-H-O-M-A-S, Kevin,

6 K-E-V-I-N, Tushaus, T-U-S-H-A-U-S.

7 (Whereupon witness sworn.)

8 MR. FRANK: You make proceed.

9 MR. TUSHAUS: Thank you. Thanks for the
10 opportunity to speak. It's been a long evening.

11 My name is Thomas Kevin Tushaus. I live at 586
12 North 2653rd Lane, Ursa, Illinois, along with my
13 helper Lucas Kovacevich seated next to me there.

14 Awhile back ago I received via certified
15 mail a notice to build a hog confinement a mere
16 2300 feet from my lovely new log home where I have
17 resided for the past three and half years. In
18 fact, I'm one of the closest residents to the
19 proposed side, a little more than a quarter of a
20 mile away.

21 It's proposed to be a finishing operation
22 and initially would house close to 5,000 hogs twice
23 a year.

24 I thought it odd that I didn't even

1 receive a curtesy call in advance from the
2 proprietors to see how I would feel about such an
3 operation so close to my house. Well, let me tell
4 you how I feel about it.

5 I am opposed to it. I feel cheated,
6 betrayed, angered, and disgusted by the concept of
7 it. I realize this is farm country. I have no
8 problem living in the midst of it. In fact, that's
9 why I moved here, but I don't consider this to be a
10 farming operation.

11 To me it's more of a large corporate hog
12 factory whose sole purpose is to generate big
13 revenues for the owners and backers with little
14 concern for the health and well-being of the local
15 residents and the local environment. It bears no
16 resemblance to traditional farming.

17 My main objections to the proposed
18 operation are loss in my property value, major
19 odor, noise, air pollution, significant health
20 risks to me and my neighbors, and environmental
21 degradation and desecration of important Native
22 American archeological sites.

23 So, I'm appealing to the Adams County
24 Board to recommend to the Illinois Department of

1 Agriculture that this operation not be allowed to
2 proceed due to the fact that many of the eight
3 siting criteria will not be met.

4 I purchased the 37 acres I now live on
5 five years ago. I always wanted to return to my
6 country roots and live in a pastoral setting where
7 I could pursue my dream of living sustainably off
8 the land and growing as much of my own food as
9 possible. Since then I've been realizing that
10 dream.

11 But now I find myself in a battle I did
12 not choose and never dreamed I would have to fight.
13 My entire livelihood and general well-being are
14 threatened. I feel like the victim of a cruel hoax
15 and that my rights as an American citizen have been
16 trampled upon since I have been robbed of
17 democratic local control at the county level.

18 First, there is the issue of loss of
19 property value. I have invested heavily to build
20 my dream home, and from the studies I have read I
21 know that if this operation proceeds, my property
22 value will be significantly less than it is today,
23 perhaps even up to 50 percent or more.

24 There are cases in Illinois counties and

1 across the U.S. that have had property values
2 plummet when industrial hog factories locate in
3 their neighborhood.

4 Had I known a livestock factory like this
5 would one day come to pass, I would have searched
6 for a different home site. Who among in us in our
7 right mind would be willing to live next to such an
8 operation, let alone buy their dream home next to
9 one.

10 My next big concern is the odor, noise,
11 and air pollution the site would generate. The
12 idea of breathing dangerous emissions of a hog
13 factory on a daily basis for the rest of my life is
14 a direct threat to me and my neighbors' health.
15 Others in Illinois near hog factories are not able
16 to use their properties due to the nuisance and
17 public health hazards they create.

18 I grieve the fact that I wouldn't even be
19 able to sit on my front porch at times enjoying the
20 lovely views or let alone go outside because of the
21 hydrogen sulfite, ammonia, and other gasses and
22 emissions that will travel in plumes toward my
23 residence and end up inside my home, even when my
24 doors and windows are closed.

1 Research has proven this to be the case.

2 I also suffer from asthma, and I'm especially
3 concerned about the associated health risks I would
4 be subjected to as a result of this airborne
5 pollution.

6 MR. FRANK: You need to wrap it up.

7 MR. TUSHAUS: I'm almost done.

8 Peer reviewed research demonstrates that
9 asthmatics are especially vulnerable from
10 pollutants to hog factories.

11 Another of my concerns is our water
12 quality. I'm fortunate to live in a pristine but
13 environmentally sensitive area. I worry that the
14 local water table would be threatened by such an
15 operation.

16 Also, there is the real possibility of
17 waste spills and routine over-application of
18 millions of gallons of untreated raw waste, which
19 would degrade nearby surface waters and eventually
20 flow into the Mississippi River.

21 The Native American archeological sites
22 are another big concern of mine. Experts know that
23 the Lima Lake region is important because of the
24 many mounds and associated sites in the area.

1 Since proper excavations have not been conducted, I
2 feel that this operation should not be located here
3 as it may destroy important archeological sites.

4 A hog confinement in this area would be
5 very offensive and sacrilegious to Native Americans
6 and those of us who respect and admire their
7 cultural heritage.

8 MR. FRANK: Mr. Tushaus, you need to wrap
9 it up.

10 MR. TUSHAUS: This is it. Last, but not
11 least, is my concern for the so-called modern
12 production agriculture model of intensive
13 confinements that crowd animals and utilize
14 millions of pounds of antibiotics as growth
15 promoters to keep these creatures alive in crowded,
16 filthy, and stressed conditions. There are more
17 socially responsible and humane ways to raise
18 livestock for human consumption, and this is not
19 one of them.

20 This is another reason why I'm among the
21 many Adams County residents that are opposed to
22 this project.

23 I would like to close with this Native
24 American proverb. Only when the last tree has been

1 cut down, the last fish has been eaten, and the
2 last stream poisoned will we realize that we cannot
3 eat money.

4 MR. FRANK: Are there questions for this
5 witness?

6 MR. TUSHAUS: I don't care to answer any
7 questions.

8 MR. FRANK: You are going to answer some
9 questions. That's part of the process.

10 Are there questions for this witness?

11 Mr. Anderson.

12 MR. ANDERSON: Nic Anderson,
13 A-N-D-E-R-S-O-N.

14 You quoted some research on asthma. What
15 research are you referring to?

16 MR. TUSHAUS: No comment.

17 MR. ANDERSON: You talked about large
18 scale farms or factories. Do you have a definition
19 of that?

20 MR. TUSHAUS: No comment.

21 MR. FRANK: Mr. Tushaus, I gave you
22 almost five minutes to talk.

23 MR. TUSHAUS: I'm a little worked up. I
24 was told I didn't have to answer questions.

1 MR. FRANK: No. I stated in the
2 instructions early on --

3 MR. TUSHAUS: We could choose not to
4 answer.

5 MR. FRANK: I stated you would be subject
6 to questioning from the public.

7 MR. TUSHAUS: Okay. I said, no comment.
8 That's my answer.

9 MR. FRANK: Are there other questions for
10 this witness?

11 Mr. Anderson, you have another one?

12 MR. ANDERSON: Yes.

13 You talked about sustainability. What is
14 your definition of sustainability in livestock
15 production?

16 MR. TUSHAUS: No comment.

17 MR. ANDERSON: Would you support if they
18 meet the eight siting criteria that you stated, if
19 they meet that --

20 MR. TUSHAUS: For me it's living my dream
21 life. I'm a vegetarian. I grow as much of my own
22 food as possible.

23 MR. ANDERSON: That wasn't the question.
24 The question was if they meet the siting criteria

1 would you support this farm?

2 MR. TUSHAUS: If they did, but I don't
3 believe they can.

4 MR. ANDERSON: But if they did, you would
5 support it? You said yes, am I correct?

6 MR. TUSHAUS: If they did in my book.

7 MR. ANDERSON: Thank you.

8 MR. TUSHAUS: Yes.

9 MR. FRANK: Miss Martin.

10 MS. MARTIN: Where your house is located,
11 is that the road that they are talking about they
12 that would take from the highway to the facility?

13 MR. TUSHAUS: No. I'm actually south of
14 that road.

15 MS. MARTIN: Are you south of that road?
16 Are you familiar with that road?

17 MR. TUSHAUS: Oh, yes. Oh, yeah.

18 MR. MARTIN: And can you tell me a little
19 bit about that little jag that's kind of at the
20 three-way intersection? Do you know what I'm
21 talking about?

22 MR. TUSHAUS: There is a number of jags
23 and switchbacks and up and down.

24 MR. MARTIN: Two little creek valleys,

1 it's pretty significant?

2 MR. TUSHAUS: Yeah. Yeah. Yeah. I
3 mean, it's a treacherous road, as all of the roads
4 are up by my place.

5 MS. MARTIN: And so, would you say that
6 that road is any bigger than 14 feet wide?

7 MR. TUSHAUS: No. It's one-lane. All
8 the roads are narrow gravel roads with really not
9 very much gravel on them either. They are just --

10 MS. MARTIN: So, as a resident of that
11 area, would you want to meet these 18-wheeler
12 trucks?

13 MR. TUSHAUS: I don't think -- no, not at
14 all.

15 MS. MARTIN: Thank you.

16 MR. FRANK: Are there other questions for
17 this witness?

18 Yes, Mr. Brady.

19 MR. BRADY: John Brady, 2691 North 1800th
20 Avenue, Clayton.

21 Mr. Tushaus, did you do this research on
22 your own or --

23 MR. TUSHAUS: I read --

24 MR. FRANK: Let him finish the question.

1 MR. BRADY: Or were you handed this
2 material to read without doing the research
3 yourself?

4 MR. TUSHAUS: I read as much of it as I
5 could. I was pointed in the right direction. I
6 read numerous articles.

7 MR. FRANK: Other questions?

8 Yes.

9 MR. ZANGER: Joe Zanger, Z-A-N-G-E-R.

10 When you moved to the county, did you not
11 research the fact that this is a possibility that
12 something like this could potentially --

13 MR. TUSHAUS: Well, I --

14 MR. FRANK: Let him finish.

15 MR. TUSHAUS: Okay.

16 MR. BRADY: There is no zoning out there.
17 This is a possibility in the county?

18 MR. TUSHAUS: Well, sure. Anything can
19 happen, I realize that, yeah. I grew up in Adams
20 County. I'm no stranger to what goes on around
21 here.

22 MR. FRANK: Any other questions?

23 (No response.)

24 MR. FRANK: Thank you very much.

1 Next up is Kathy Martin, followed by Kent
2 Buckert.

3 Can you state and spell your name.

4 MS. MARTIN: My name is Kathy Martin,
5 K-A-T-H-Y, M-A-R-T-I-N.

6 (Whereupon witness sworn.)

7 MR. FRANK: Please proceed.

8 MS. MARTIN: Thank you for listening.

9 I'd like to say a few things. Obviously
10 I have asked a lot of questions, so you know that I
11 have a lot of interest in this.

12 To address Warren Goetsch, and he talked
13 about how manure might seal concrete pits or that
14 there were studies where concrete pits didn't leak.
15 The point I was trying to make is that those
16 concrete pits were made with a much lower permeable
17 concrete, okay, and that's why they didn't leak.

18 The rule for the state allows for
19 basically pavement concrete create to be used,
20 which is significantly different.

21 Number two, I calculated the waste volume
22 that's being generated by this facility will be
23 about 2.2 million gallons. A typical human, that's
24 just the feces and urine as excreted, okay, a

1 typical 180 pound person excretes 270 gallons per
2 person per year. If you divide that into it, this
3 facility at 2.2 million gallons per year is
4 equivalent to 8275 people excreting there. Okay.
5 So, that's basically a hog poops twice as much as a
6 human.

7 In that same place, if we thought of it
8 as the volume of the waste as septic tanks, a
9 thousand gallon septic tank, that's equivalent to
10 over 2200 septic tanks located at that facility.
11 Your county regulations require a perc test and a
12 site inspection during construction for every
13 septic tank that's built in your county.

14 So, if there this were septic tanks, you
15 would have 2200 inspections at this site, 2200
16 hundred perc tests, and you would inspect the pits
17 under the barns every year by draining it and look
18 to see for deterioration of concrete. This
19 facility will not have that.

20 With respect to odor controls, industry
21 will tell you that -- Farm Bureau will come up and
22 Nic will come up and tell you that they are state
23 of the art modern agriculture, but yet they refuse
24 to adopt known odor control technologies beyond

1 just the fact that they say they are going to keep
2 the outside looking clean and some nebulous idea
3 about their feed rationing, okay.

4 The odors from this facility are from the
5 incomplete digestion of proteins. Those are
6 butyric acid, propionic acid. They are highly
7 odiferous at very small concentrations. That's
8 what smells like rot and decay, because when our
9 body is incompletely digested, we smell that. Our
10 body repulsed by that chemical because it
11 represents decay.

12 The incomplete digestion of proteins in
13 that pit sits there all year long, and those gasses
14 are emitted along with the methane and the ammonia
15 that has to be emitted exhausted through the fans
16 to prevent the animals from dying from
17 asphyxiation, okay.

18 Hydrogen sulfite gas is created when
19 feces and urine are collected together and stored
20 together. Then the sulphurs of the protein work
21 with the waters in the urine and they create
22 hydrogen sulfite gas.

23 This facility is designed to create
24 highly odiferous substances with no controls, and

1 so, if you're going to try to say that whatever
2 little bit that they did say and couldn't defend is
3 controlling odor, please be honest and just say
4 it's not.

5 Thank you.

6 MR. FRANK: Are there questions for this
7 witness?

8 Mr. Anderson.

9 MR. ANDERSON: Nic Anderson
10 A-N-D-E-R-S-O-N.

11 You talked earlier about nitrogen
12 volatilization. How much nitrogen is in the air
13 and how much volatilizes every day from natural
14 occurrences out there in Mother Nature?

15 MS. MARTIN: I'm glad you asked that,
16 Nic.

17 The nitrogen that is in air in this room
18 right now is in the form of nitrogen gas. The
19 nitrogen that will be volatilized from the barns
20 will be in the form of ammonia, which is an
21 asphyxiant, okay, completely different.

22 MR. ANDERSON: I want to know the
23 percentage. I didn't ask you which was better or
24 worse or how much.

1 MS. MARTIN: The percentage is over 80
2 percent.

3 MR. ANDERSON: Eighty percent nitrogen
4 volatilized in the air?

5 MS. MARTIN: The air is composed mostly
6 of nitrogen, 16 to 18 percent oxygen, depending on
7 your elevation.

8 MR. ANDERSON: So, plants take up
9 nitrogen from the air or plant material or
10 whichever form it is that's used for plant
11 material, trees, grass, corn, soybeans?

12 MS. MARTIN: Correct. And this, again,
13 is a great example of how Nic, who represents
14 industry, will demean what I just said about
15 ammonia. He doesn't want you to think about
16 ammonia, which will cause your eyes to water, your
17 throat to burn. He wants you to think about
18 nitrogen gas, which has no effect on the body,
19 okay. It's a diversion.

20 MR. FRANK: Are there other questions for
21 Miss Martin?

22 Mr. Maiers.

23 MR. MAIERS: Yes, sir. Have you ever
24 written a comprehensive nutrient management plan

1 before?

2 MS. MARTIN: No.

3 MR. MAIERS: Have you ever applied hog
4 manure before?

5 MR. MARTIN: No.

6 MR. MAIERS: Okay.

7 MS. MARTIN: But I've been working on
8 this issue for 15 years in 20 states across the
9 country, so I do have some knowledge about almost
10 every type of livestock operation that is built in
11 this country in 20 different states for 15 years.

12 I have looked at their engineering
13 designs and plans and specifications and their
14 nutrient management plans.

15 MR. FRANK: There is another question.

16 MR. MUEGGE: David Muegge, M-U-E-G-G-E.

17 I just had a quick question.

18 Where do you reside? Do you reside, in
19 this area, or where is your residence?

20 MS. MARTIN: I live in Norman, Oklahoma.

21 I was asked to come here by Judy and her
22 group to speak to the engineering design.

23 MR. FRANK: Mr. Venvertloh.

24 MR. VENVERTLOH: Yes, Miss Martin, Duane

1 Venvertloh, V-E-N-T-V-E-R-L-O-H.

2 From all of your questions and your
3 testimony it seems, it appears that you don't
4 believe that the State of Illinois or the Illinois
5 Department of Agriculture's standards are
6 sufficient enough.

7 Are there any states in the United States
8 that we could look toward that are sufficient in
9 your opinion?

10 MS. MARTIN: Well, for example, in like
11 for the soil boring, if Warren is going to be happy
12 with one boring, Wisconsin requires hundreds of
13 borings.

14 MR. VENVERTLOH: So, Wisconsin's is --

15 MS. MARTIN: Yes. If you look at
16 Oklahoma, our setbacks for a similar facility would
17 be a half mile.

18 So, all different states have differently
19 more restrictive requirements than you have, yes.

20 MR. FRANK: Are there other questions?

21 MS. MARTIN: You're one of the least
22 restrictive states?

23 MR. FRANK: Other questions?

24 (No response.)

1 MR. FRANK: Thank you very much.

2 MS. MARTIN: Thank you.

3 MR. FRANK: Next we have Kent Buckert,
4 and after Mr. Buckert is Darren Sims.

5 State and spell your name.

6 MR. BUCKERT: Kent Buckert, K-E-N-T,
7 B-U-C-K-E-R-T.

8 (Whereupon witness sworn.)

9 MR. FRANK: Yes, sir, you may proceed.

10 MR. BUCKERT: I represent Ursa Farmers
11 Co-Op. Ursa Farmers Co-Op is a possibility of
12 feeding this unit.

13 This unit would consume about 3600 tons a
14 year, and at today's current prices would mean
15 about a million dollars in sales for Ursa Farmers
16 Co-Op. It would consume 73,000 bushels of corn and
17 create a local market for corn for 450 acres of
18 corn and 500 tons of bean meal, which would create,
19 again, a local market for 460 acres of beans.

20 UFC currently feeds about 60,000 pigs
21 annually in the area, which is approximately 41
22 tons a year and approximately 12 million dollars in
23 sales. That equates to about 830,000 bushels of
24 corn annually, which is a local market, again, for

1 about 5,000 acres of corn and 5700 tons of bean
2 meal and a local market for 5200 acres of beans.

3 Ursa Farmers overall sells about 65,000
4 tons of feed last year, which is about 16 million
5 dollars at current prices. Besides the swine
6 producers we serve, there is 350 producers that we
7 sold feed to.

8 Units like this helps us have a
9 sustainable feed mill so that we are able to serve
10 our other producers that raises other livestock in
11 the area.

12 We have 17 full-time employees involved
13 in feed and trucking of ingredients. UFC as a
14 whole had 187 million dollars in sales serving 2500
15 producers and co-op owners and has 55 full-time
16 employees. Ursa Farmers Co-Op has been in
17 existence since 1920 and has a history with
18 livestock production in the Adams County area and
19 existing with livestock production that is
20 currently in the county.

21 One such example of that in relation to
22 new buildings and stuff, south of the Adams County
23 Fairgrounds, between there and Highway 24, there is
24 approximately 10,000 pig spaces in that area. In

1 the last five years seven to eight houses, new
2 houses, have been built in that close proximity.

3 The Ursa Farmers Co-op's directors and
4 managers support Daron and Brock in their
5 commitment here to continuing in ag production in
6 the area.

7 Thank you.

8 MR. FRANK: Are there questions for this
9 witness?

10 Mr. Nichols.

11 MR. NICHOLS: Lyle Nichols,
12 N-I-C-H-O-L-S.

13 Mr. Buckert, how many feed trucks will
14 you deliver to this operation, how frequently, and
15 how many is that over a year's time?

16 MR. BUCKERT: It will be one to five
17 times a week depending on the size of the pigs.

18 MR. NICHOLS: Almost every day, then?

19 MR. BUCKERT: When they are large pigs.

20 MR. NICHOLS: When they are 200-pound
21 pigs every day?

22 MR. BUCKERT: So, the last, you know,
23 eight weeks of the cycle or whatever we'll be out
24 there four or five times a week. When they are

1 small pigs, I mean, we will be there once a week.

2 MR. NICHOLS: You may not know this, but
3 let me ask you anyway. You are pretty familiar
4 with a lot of the roads in the area. Is that road,
5 2700 North, strong enough to handle that much truck
6 traffic?

7 MR. BUCKERT: I have not been down it.

8 MR. NICHOLS: Okay. Thank you.

9 MR. FRANK: Other questions?

10 (No response.)

11 MR. FRANK: I see none. Thank you very
12 much. Oh, I'm sorry.

13 MR. TUSHAUS: Tom Tushaus, T-U-S-H-A-U-S.

14 Are you committed to sell your product to
15 this farm?

16 MR. BUCKERT: We are --

17 MR. TUSHAUS: And what guarantee do you
18 have that that will continue?

19 MR. BUCKERT: We are a supplier for the
20 company that they are going to be feeding pigs for
21 and --

22 MR. TUSHAUS: What company is that?

23 MR. BUCKERT: Cargill.

24 MR. TUSHAUS: That's the first time I

1 heard that name mentioned all night. Weird.

2 MR. BUCKERT: We've been doing business
3 for them for probably five, six years.

4 MR. FRANK: Sir?

5 MR. WATERS: You list a lot of --

6 MR. FRANK: State your name.

7 MR. WATERS: Edwin Waters, E-D-W-I-N,
8 W-A-T-E-R-S.

9 Sir, you listed a lot of impressive
10 statistics, but I'm wondering that if this new
11 facility opens that you are now going to be
12 overworked, that you won't have enough corn and you
13 won't have enough employees to meet that need.
14 Well, what is it that you are trying to think that
15 we should draw an -- what is that implication you
16 are trying to get us to draw from these statistics?

17 MR. BUCKERT: It's an important part of
18 our business, and it helps to make us sustainable
19 so that we're there to serve other producers in our
20 community.

21 MR. FRANK: Miss Leeper.

22 MS. LEEPER: Yes. Mr. Buckert, is it?

23 MR. BUCKERT: Yes.

24 MS. LEEPER: Mr. Buckert, you say you

1 have 17 employees?

2 MR. BUCKERT: Yes.

3 MS. LEEPER: If this hog confinement is
4 not to go in operation, would you have to lay off
5 any of those employees? Would your business go
6 down so drastically that you would have to lay off
7 any of those employees?

8 MR. BUCKERT: That's how many is employed
9 at our current level.

10 MS. LEEPER: So, the answer is no?

11 MR. BUCKERT: No.

12 MR. FRANK: Other questions?

13 Yes. Miss Koehler.

14 MS. KOEHLER: Judy Koehler,
15 K-O-E-H-L-E-R.

16 With respect to transporting the feed
17 from Ursa Farmers Co-op to the proposed hog
18 confinement, would you object to taking that truck
19 a mile north of this dangerous intersection with
20 2700 and turning the truck at Lima and going down
21 that road for a mile and then turning the corner
22 and go by Daron Duke's house down to deliver the
23 feed at the current site?

24 MR. BUCKERT: All the road commissioners

1 know who I am, know what my job is, and I get
2 suggestions of what is the best way to go, and I'm
3 told certain roads to stay off of, and I'm
4 suggested to go down different roads.

5 MS. KOEHLER: So, who is it that suggests
6 to you that you take 2700 with your trucks?

7 MR. BUCKERT: No one has ever talked to
8 me about what road I'm going to take.

9 MS. KOEHLER: Well, then, would you
10 object to going a mile north to turn west on what
11 is a -- the corner in Lima is not dangerous, and
12 so, you would not object to going a mile north with
13 your feed?

14 MR. BUCKERT: I'm sure I will have a
15 conversation with the road commissioner before I
16 deliver the first load of feed, and he will tell me
17 what his suggestions are and whether that's an
18 approved road for me to go down with our truck.

19 MS. KOEHLER: So, it's up to the road
20 commissioner?

21 MR. BUCKERT: I will take suggestions
22 from him.

23 MS. KOEHLER: Thank you.

24 MR. FRANK: Yes, Mr. Evans.

1 MR. EVANS: Terry Evans.

2 Is there a reason why you can't use the
3 bottom road, the roads that come up through the
4 bottom to go to this location and then come up the
5 hill? Is there any reason why you can't go that
6 way? I mean, Ursa down to the bottom, up, and
7 there is some paved roads that you could use.

8 MR. BUCKERT: Again, I will get
9 suggestions from the road commissioners of which
10 roads and bridges and what is the best route, and I
11 will work with those people.

12 MR. EVANS: But from your perspective, if
13 it's okay with them, is it okay with you?

14 MR. BUCKERT: Yes.

15 MR. EVANS: Okay. Would you consider
16 that, please?

17 MR. BUCKERT: Yes.

18 MR. FRANK: Other questions?

19 (No response.)

20 MR. FRANK: Thank you very much.

21 Next is Darren Sims, and on deck is Steve
22 Tieken.

23 State your name.

24 MR. SIMS: Darren Sims, D-A-R-R-E-N,

1 S-I-M-S.

2 (Whereupon witness sworn).

3 MR. FRANK: You may proceed.

4 MR. SIMS: My name is Darren Sims. I am
5 a director for Western Illinois Pork Producers, and
6 I'm also a pork producer here in Adams County.

7 I am in favor of the new proposed
8 finishing barn southwest of Lima, because I know
9 firsthand what pork production has done for me. As
10 a young farmer, pork production has provided me an
11 opportunity to remain in the community I grew up in
12 and become a partner in a family farm. Now, as a
13 father of two boys, my wife and I are excited about
14 raising our family on the farm.

15 I understand the many concerns that have
16 been expressed towards new pig facilities, but I
17 feel the positives outweigh the negatives.

18 First, I have not seen devaluing property
19 near our farm site. In fact, this winter there was
20 a farm two to three miles from our facility bring
21 well over appraised value. Also, I have leased our
22 farm out to the same deer hunters over the last 15
23 years, which are from the east coast. They have
24 had no issues with hunting next to a hog farm.

1 Second, there is a perception of public
2 health concerns around pig facilities. My family
3 and some of our neighbors have been around
4 livestock our entire lives and have not had any
5 health issues caused by our farm. In fact, this
6 past year my family moved into a new home that was
7 built a half mile from our pig barns. I have no
8 concerns with my children growing up that close to
9 a pig farm.

10 Third, our farm, like other livestock
11 farms, has specific criteria that must be met and
12 followed through the Livestock Management
13 Facilities Act. Every three years I attend, review
14 information, rules and regulations and are tested
15 by the Illinois Department of Agriculture through
16 the certified Livestock Management Facilities
17 program.

18 In conclusion, hog farms play an
19 important role in our rural communities. What
20 better place to grow pigs than right here in the
21 corn and soybean fields of Adams County. The size
22 of farms has grown, but that doesn't mean we've
23 lost sight of the values that have always guided
24 Illinois farmers, safe food and protection of our

1 land, water, and air.

2 Thank you.

3 MR. FRANK: Are there questions for this
4 witness?

5 Yes, Miss Martin.

6 MS. MARTIN: Do you know what type of
7 barn he is going to build when he talks about
8 having the office in the center where there is
9 going to be tunnel ventilation or apron?

10 MR. SIMS: I didn't hear about tunnel
11 ventilation or what ventilation, but there is
12 offices, and that's typical to have an office in
13 the middle of a barn.

14 A lot of these newer facilities are
15 shower in, shower out for bio security reasons, for
16 health issues.

17 MS. MARTIN: What type of pathogens do
18 you monitor on your hog site that you operate?

19 MR. SIMS: For odor wise or --

20 MS. MARTIN: Well, you're showering in
21 and showering out. Are you worried about some
22 pathogens?

23 MR. SIMS: Yes. Hogs can transmit
24 disease just like humans. It's for that, but it's

1 also curtesy for the employees obviously to shower
2 before they go home.

3 MS. MARTIN: So, what pathogens are you
4 mostly concerned about for your hog farm?

5 MS. SIMS: I can name a couple diseases,
6 is that what you want?

7 MS. MARTIN: Yeah, sure.

8 MR. SIMS: PRRS is the number one in the
9 pork production. It's a reproductive respiratory
10 syndrome disease.

11 MS. MARTIN: Would that be at a finisher
12 or as a --

13 MR. SIMS: All over.

14 MS. MARTIN: Okay. Do you have -- do you
15 worry with about salmonella or listeria or --

16 MR. SIMS: Yes. I don't think that's an
17 issue, as big an issue anymore.

18 MS. MARTIN: For the hogs or for people?

19 MR. SIMS: Both.

20 MS. MARTIN: You don't think salmonella
21 is a big safety issue?

22 MR. SIMS: It's an issue. I'm sorry.

23 MS. MARTIN: After you thought about it.

24 Okay. That's all my questions.

1 MR. FRANK: Other questions?

2 Yes, sir.

3 MR. WATERS: Do you have children?

4 MR. FRANK: Could you state your name
5 again, please.

6 MR. WATERS: Edwin Waters, W-A-T-E-R-S.

7 Do you have children?

8 MR. SIMS: Yes. I have a three-year old
9 boy and a six-year old boy.

10 MR. WATERS: When these boys get to be
11 teenagers or legal age, would you allow them to
12 work in this facility?

13 MR. SIMS: Yes.

14 MR. WATERS: Would you want them to?

15 MR. SIMS: Yes. I hope they do.

16 MR. WATERS: Is this an aspiration that
17 you have for your children --

18 MR. SIMS: Yes.

19 MR. WATERS: -- that they work in this
20 facility?

21 MR. SIMS: Yes. My father raised hogs
22 all his life, and I plan on doing the same and
23 passing it on to the children.

24 MR. WATERS: Do you work or want to work

1 in a facility like this?

2 MR. SIMS: Yes.

3 MR. FRANK: Other questions?

4 (No response.)

5 MR. FRANK: Thank you.

6 Next is Steve Tieken. And Stacy James is
7 after Mr. Tieken.

8 MR. TIEKEN: My name is Steve Tieken,
9 T-I-E-K-E-N.

10 (Whereupon witness sworn.)

11 MR. FRANK: You may proceed.

12 MR. TIEKEN: I was asked to come speak on
13 behalf of Kevin Tushaus, Judith Koehler, Carla
14 Smith, and Tom Leeper.

15 I'm a fifth generation descendent of the
16 early settlers in the Lima Lake area. My great
17 great grandfather Joseph Caldwell discovered Meyer
18 and laid out the plans of Meyer, and my great
19 grandfather was Dutch Caldwell, who was the first
20 game warden of Lima Township.

21 I'm also an avocational archeologist, who
22 is the president and founder of the Quincy-based
23 501C33 not-for-profit organization, the North
24 American Archeological Institute, who has spent

1 spent the last ten years saving and protecting
2 Native American sites.

3 I know of at least 15 burial mounds
4 within this proposed area. My main concern is the
5 rich archeological heritage that goes back nearly
6 12,000 years that can be found all over the bluff
7 site in this proposed area.

8 My main concern also is that they refer
9 to this survey that the IHPA has issued out of our
10 database, and, as far as I know, it was probably
11 done 40 years ago. And you have to understand when
12 a survey is done under the Illinois State
13 Archeological Survey, that would be me probably
14 surveying; and if it's a bright day and the field
15 is in bad conditions, I do a walkthrough, and I
16 find a flake or two, and I record that flake or two
17 as a non-important site or a site that could be
18 multicomponent.

19 My concern is what lies below the
20 subsurface. There has ben no discussion once this
21 confinement is built and this pit put they are
22 talking about what is that going to uncover.

23 I spent the last ten years fighting for
24 Native American causes, in particular Native

1 American burial mounds and grounds.

2 Now, this gets quite complicated because
3 from what I gather no new modern survey has been
4 done. So, I would ask Daron if he would be willing
5 to have a, we call it, phase two survey done. This
6 would entail, whether it's Western Illinois
7 University or the University of Illinois, coming in
8 and doing a series of test digs along this proposed
9 area to see what lies subsurface.

10 Secondly, as a student of history, I'm
11 aware of many great cultures with great technology
12 that are now no longer in existence.

13 Our arrogance for capitalism and the
14 making of money seems to supercede the pursuit of
15 happiness, which is a constitutional guarantee. I
16 hear over and over those that oppose are trying to
17 protect their values of life, and I see those that
18 are for it has to do with financial gain.

19 As I spoke, we can look over at East
20 St. Louis at Cahokia. This was a great
21 civilization that existed nearly a thousand years
22 ago.

23 To feed the population, which I hear over
24 and over, we must come up with new ways to feed the

1 population. It's been an ongoing problem for
2 thousands of years. Deforestation, soil problems,
3 erosion, these all amount to the destruction of our
4 civilization. Now, we need to address some of
5 these problems, because if we don't, in the future
6 we may go the way of the these civilizations.

7 As Americans, we consume almost 50
8 percent of the natural resources, and we are about
9 2 percent of the population.

10 So, these are things to think about.

11 But my main concern is protecting the
12 integrity of these Native American burial grounds.
13 If I had indeed known that this was going to be, as
14 it turned out, this forum, I would have many Native
15 Americans here right now that have grown up and
16 born in this area. So, we need to consider their
17 rights.

18 Now, are these Native Americans, are
19 these their ancestors that are buried in those
20 mounds? Yes, they are. They are not our
21 ancestors.

22 Now, how will this affect these ancient
23 sites?

24 MR. FRANK: Mr. Tieken.

1 MR. TIEKEN: The people that are opposing
2 this site, the noise, the clanging, the stench.

3 Now, Daron and I enjoyed the rights to
4 swim in the rock quarry that's right below there.
5 I spent many of my years swimming in that very
6 quarry as a young boy. My dad took me there. Many
7 a day I went there to ponder the secrets of the
8 universe, and I would lay there fishing and
9 swimming.

10 MR. FRANK: Mr. Tieken.

11 MR. TIEKEN: And I know that the Duke's
12 have done the same thing.

13 Should not our children have those same
14 rights to explore the bluffs, to swim in the
15 quarries without a mega factory up above it.

16 In this day and age of progress and of
17 ever expansion --

18 MR. FRANK: Mr. Tieken.

19 MR. TIEKEN: (Continuing) -- it's time to
20 just kind of calm back and then consider our
21 neighbors.

22 I know that we all need to make money,
23 but when is enough enough.

24 Thank you.

1 MR. FRANK: Are there questions for this
2 witness?

3 Mr. Anderson.

4 MR. ANDERSON: Nic Anderson.

5 A-N-D-E-R-S-O-N.

6 I sure thank you for infringing on our
7 time going over, and I realize your passion for
8 that, but it's really disrespectful to the
9 Department and everybody else here for --

10 MR. BRADY: Is there a question?

11 MR. ANDERSON: The question is, you
12 mentioned the word mega and factory. Give me your
13 definition of what that is? What's the number?

14 MR. TIEKEN: What's the number?

15 MR. ANDERSON: Yeah. What is it?

16 MR. TIEKEN: Mega? It would be like a
17 church. A mega church is considered 2,000 or more.

18 MR. ANDERSON: So, you are calling this
19 farm mega or factory?

20 MR. TIEKEN: Well, factory in the sense
21 that it is -- it is a factory in the sense that
22 they are talking about finishing, but it's a
23 factory. You're producing pigs as if they are an
24 inanimate object and a byproduct for our

1 consumption. So, that would be considered a
2 factory.

3 MR. ANDERSON: So, animal husbandry still
4 has no emphasis in that barn taking care of
5 animals, watching them every day? That doesn't
6 come in?

7 MR. TIEKEN: Well, first and foremost
8 that's outside my expertise, and I was just making
9 a personal statement.

10 If you have anything to ask me about the
11 integrity of the archeology of the area, I would be
12 glad to answer that.

13 And how has that been a detriment to this
14 group here?

15 MR. ANDERSON: What --

16 MR. FRANK: One person at a time.

17 MR. TIEKEN: I don't understand that, how
18 that is --

19 MR. ANDERSON: You don't agree with the
20 process of the State Historical Survey when they do
21 surveys?

22 MR. FRANK: Pardon?

23 MR. ANDERSON: You don't agree with the
24 Illinois State --

1 MR. TIEKEN: I do them. I'm the one who
2 does a lot of them.

3 MR. ANDERSON: You disagree with the
4 rules that are implemented through the State
5 Historical Society --

6 MR. TIEKEN: I am saying that it would be
7 proper to do a survey today as opposed to the
8 database they drew upon probably from 40 years ago.

9 MR. ANDERSON: How do you come up with
10 probable? What is the date that they use?

11 MR. TIEKEN: Well, I suppose probably in
12 the '70's when the Illinois State Archeological
13 Survey did the survey or Dave Nolan from the
14 University of Illinois did it in 1980.

15 MR. ANDERSON: The question was --

16 MR. FRANK: Mr. Anderson, calm down. We
17 can only have one person speaking at a time.

18 MR. TIEKEN: Well, I'm trying to answer
19 his question.

20 MR. FRANK: I'm talking.

21 We can only have one person speaking at a
22 time. The court reporter is trying to record all
23 of this. Now, let's try to have some relevant
24 questions here and some meaningful answers.

1 Mr. Venvertloh.

2 MR. VENVERTLOH: Duane Venvertloh,
3 V-E-N-T-V-E-R-L-O-H.

4 Mr. Tieken, I respect your passion for
5 what we are talking about, but just so I'm clear,
6 if Mr. Duke was to have a phase two on the property
7 and that came back negative, would you, and met the
8 eight criteria, would you be in favor at that
9 point, or are you not in favor of it regardless?

10 MR. TIEKEN: Well, I personally have
11 nothing invested. I don't own property there.

12 My main concern is the archeological
13 integrity, and if Mr. Duke would go ahead with
14 that, that would satisfy me.

15 MR. VENVERTLOH: Okay. Thanks.

16 MR. FRANK: The gentleman in the yellow
17 shirt, I believe, had a question.

18 MR. SILL: You mentioned --

19 MR. FRANK: Would state your name,
20 please.

21 MR. SILL: Mark Sill, S-I-L-L.

22 You mentioned integrity. Were you aware
23 that when you were swimming in that rock quarry you
24 were breaking the law that was posted no swimming?

1 MR. TIEKEN: No. I had permission most
2 of the time to be there, and, as a matter of fact,
3 some of my relatives owned it for many, many years.
4 So, yes.

5 MR. FRANK: Are there other questions?
6 Yes.

7 MR. ZANGER: Joe Zanger, Z-A-N-G-E-R.
8 If he was to not construct a hog building
9 but a home, would you recommend a phase two
10 archeological study at that point, as well?

11 MR. TIEKEN: Well, part of the problem
12 with that is when you're looking at building a
13 homestead, so to speak, it is imperative that these
14 individuals are aware that there are actually
15 burial mounds and those things around.

16 I know the Duke's know that's on their
17 property, so we are talking about something a
18 little, completely different; and when we are
19 talking about a building of such large fingerprint,
20 it's covering a lot bigger area, encompassing a
21 large portion of that bluff as opposed to a small
22 home that would be built.

23 MR. SILL: So, is there regulation
24 against the size of a home someone can build if

1 they built?

2 MR. TIEKEN: Well, no, really there
3 isn't, because if there is no state or federal
4 money involved, that is not required of a
5 homestead.

6 What I'm asking is just when he is
7 talking about the pleasing the neighbors, they
8 called me in to ask to speak on behalf of the
9 Native American remains that could be there. So,
10 my main concern is if he is wanting to please the
11 neighbors, and this is what they would like to
12 have, that he would go ahead and go through with
13 that phase two survey.

14 MR. FRANK: Sir, in back.

15 MR. STEVE DUKE: Steve Duke, D-U-K-E.

16 Where are the 15 Indian mounds on that
17 place? I have lived there for 65 years, and I know
18 of one, and it was a long ways from this site.

19 MR. TIEKEN: Well, there is one on your
20 property.

21 MR. STEVE DUKE: Yes.

22 MR. TIEKEN: But let's look at it from
23 Lee Penn's house down to the county line. I can
24 think of at least 15 or 20 within that area is what

1 I'm talking about.

2 MR. STEVE DUKE: But we are talking about
3 this.

4 MR. TIEKEN: Right. And on your property
5 I know of one, and it would not be impacted
6 directly by this proposed lot, but it is on your
7 property, right.

8 MR. FRANK: Other questions?

9 Yes, Mr. Brady.

10 MR. BRADY: John Brady, B-R-A-D-Y.

11 Mr. Tieken, you mentioned pursuit of
12 happiness and liberty. Are you familiar there is a
13 word in there that the founders -- are you familiar
14 with despot, what a despot is?

15 MR. TIEKEN: No, I'm not.

16 MR. BRADY: That's a ruler or dictator.
17 What do you think has more damage to this country,
18 a ruler or a hog farm or a dictator?

19 MR. TIEKEN: Well, we are getting into
20 esoteric answers. I'm here to answer the
21 archeological questions. We are getting outside my
22 expertise.

23 And to further on Steve's question, I'm
24 not necessarily even concerned with the integrity

1 of the burial mound. I'm talking about the
2 integrity of the site. That's a known site.

3 MR. FRANK: Are there other questions?

4 Mr. Duke.

5 MR. STEVE DUKE: I know you have been up
6 there snooping around on me.

7 MR. TIEKEN: I got permission from you
8 every time, Steve, you know that.

9 MR. STEVE DUKE: Well, until I run you
10 off.

11 MR. TIEKEN: You never run me off.
12 That's a lie. You have never run me off of there.

13 MR. STEVE DUKE: Did you ever find any --
14 where this site is going, did you ever is find any
15 archives where this site is going?

16 MR. TIEKEN: Particularly, yes, I have,
17 and I know several other archeologists that have
18 actually been on that site, yes.

19 MR. STEVE DUKE: In that pasture?

20 MR. TIEKEN: Yes.

21 MR. STEVE DUKE: Okay.

22 MR. FRANK: Other questions?

23 (No response.)

24 MR. FRANK: I see none.

1 Thank you.

2 MR. TIEKEN: Thanks.

3 MR. FRANK: Stacy James followed by Kim
4 Ward.

5 State and spell your name.

6 MS. JAMES: Stacy, S-T-A-C-Y, James,
7 J-A-M-E-E-S.

8 (Whereupon witness sworn.)

9 MR. FRANK: You may proceed.

10 MS. JAMES: My name is Dr. Stacy James.
11 I'm a water resources scientist at Prairie Rivers
12 Network, Illinois' statewide river conservation
13 organization.

14 Pollution from KAFO's can come from the
15 production areas and from the fields where
16 livestock waste is land applied. There have been
17 many instances in Illinois where streams and lakes
18 have been polluted by KAFO's. Examples of these
19 pollution events include overflowing waste storage
20 structures, piping and equipment failures, and
21 application of waste on snow covered fields.

22 I'm providing comments today because the
23 D & B Farms' hog KAFO is proposing to locate in an
24 area classified as a karst region. It is hilly

1 with many small streams.

2 Karst topography is a soluble, porous
3 geological formation sometimes characterized at the
4 ground surface by sinkholes, springs, and fissures.
5 Karst regions should be considered very susceptible
6 to ground water contamination.

7 Citing criterion 4 of the LMFA requires a
8 determination of whether a proposed facility is
9 located in a karst area. Frank & West
10 Environmental Engineers stated in their site
11 investigation report that the D & B Farms is
12 located in a, quote, potential karst area, end
13 quote. The IDNR-ISGS Illinois map 8 shows that the
14 D & B Farms falls within a karst region and is
15 underlain by carbonate bedrock.

16 I consulted with the Illinois State
17 Geological Survey. Due to the time limit, I'm not
18 going into their response to my asking them to do
19 an evaluation of the site, but I will submit it as
20 an exhibit.

21 According to section 13 of the LMFA knew
22 non-lagoon livestock waste handling facilities in a
23 karst area must be designed to prevent seepage of
24 livestock waste into groundwater in accordance with

1 the American Society of Agricultural Engineers 393
2 standard for manure storages.

3 It appears that further study is needed
4 to determine whether D & B Farms should be built
5 according to the standard, and we ask that this
6 research be done or that the facility be
7 constructed in compliance with the standard without
8 further research.

9 Furthermore, if the site is indeed in a
10 karst area, evidence to support compliance with the
11 393 standard should be submitted to the Adams
12 County Board by the time of their meeting to vote
13 on their recommendation.

14 The proper application of livestock waste
15 at agronomic rates and in compliance with water
16 well and surface water setbacks will be essential
17 for minimizing the likelihood of environmental
18 damage. LMFA setting criterion 5 requires owners
19 or operators to submit plans for operation that
20 minimize the likelihood of environmental damage to
21 the surrounding area from runoff, leaching, and
22 spills.

23 Because D & B Farms is in a karst region
24 with rolling topography and many ditches and

1 streams, the operator should be required to inject
2 all animal waste in order to comply with criterion
3 5.

4 Likewise, D & B Farms should provide the
5 Adams County Board with the quantity of waste
6 produced annually in pounds of nitrogen and
7 phosphorus, an estimate of the land acreage needed
8 to apply the waste at agronomic rates in accordance
9 with the LMFA regulations, and evidence that D & B
10 Farms has access to adequate acreage.

11 And because I've just run out of time,
12 I'll just close by saying that given -- if you look
13 at a picture of the site, it's quite hilly, and I'm
14 really not convinced that a three-foot tall berm
15 that slopes away from the facility is going to be
16 enough to prevent storm water abrasion and damage
17 on that dirt that's piled up against the buildings.
18 And so, I ask the Department of Ag to take a good
19 look at that plan for storm water runoff control.

20 Thank you.

21 MR. FRANK: Are there questions for this
22 witness?

23 Yes, Mr. Peter.

24 MR. PETER: P-E-T-E-R. Mark is my first

1 name.

2 Going back to the boring with the karst
3 dealing with the underground, is there a number of
4 borings that would satisfy the concerns that -- I
5 understood one of Mr. Goetsch's answers to be that
6 the way the concrete was going to be or the way the
7 pit was going to be constructed that satisfies the
8 regulations here in the State of Illinois.

9 Would more borings at a deeper level,
10 would that help alleviate concerns about the karst,
11 or is that --

12 I mean, one lady talked about Wisconsin
13 and more, you know, more requirements.

14 Is there -- is borings a solution prior
15 to construction?

16 MS. JAMES: Well, I will read you part of
17 the response from the Illinois State Geological
18 Survey. They said, because these crevices -- so,
19 I'll read the first sentence first.

20 "The relatively small area you identified
21 does not contain sinkholes, but all indications
22 suggest that it is underlain by carbonate rock that
23 probably constitutes an aquifer with solution
24 enlarged crevices. Because these crevices are

1 nearly vertical in orientation, drilling is not
2 effective in characterizing the bedrock aquifer. A
3 more effective method is a regional
4 characterization of the area.

5 "Again, I emphasize that this is only a
6 preliminary evaluation of the area, and additional
7 work, including field work, would be necessary to
8 state definitively that the site is underlain by a
9 karst aquifer."

10 So, I've heard from more than one
11 hydro-geologist that certainly a single boring of a
12 site, which is currently what's done for these
13 facilities, under each, you know, one boring per
14 building is just not adequate.

15 But then there is the larger question of
16 whether or not the proposed plans are indeed ASAE
17 393 compliant, and I didn't feel like I got a
18 definitive answer from Mr. Goetsch on whether that
19 is correct.

20 So, I would appreciate clarification on
21 whether or not basically what is being proposed is
22 compliant with ASAE 393, and then it is being built
23 according to the law, and that's all we can ask.

24 MR. FRANK: Are there other questions?

1 Ms. Martin.

2 MS. MARTIN: Kathy Martin, M-A-R-T-I-N.

3 Stacy, during the questioning you asked
4 about the depth of the boring that was done, and
5 that the depth did not seem to be as deep as what
6 is required by the rule.

7 Could you explain that a little bit?

8 MS. JAMES: So, this is 35 IAC 506.302,
9 the site investigation part of Illinois's Waste
10 Management Construction Standards; and it says, to
11 basically paraphrase without reading all of this,
12 that if you are in a karst area the owner or
13 operator shall perform one or more soil borings
14 that shall be located within the final livestock
15 waste handling facility area to determine the
16 presence of voids. The boring shall begin at the
17 soil surface and extend to a depth that includes a
18 minimum of 20 feet below the planned bottom of the
19 livestock waste handling facility.

20 So, if these are the correct regulations
21 that I'm reading that apply to this particular
22 site, since the pit is eight feet, and five of
23 those feet are going to be below the ground's
24 surface, I think they should have done a 25-foot

1 deep boring if I'm interpreting correctly.

2 Did I answer your question completely?

3 MS. MARTIN: That answered my question.

4 MR. FRANK: Mr. Anderson, do you have a
5 question?

6 MR. ANDERSON: Yes.

7 Stacy, if this farm meets the
8 requirements of the Illinois LMFA and does some
9 enhancement that you suggest, would you support
10 this livestock farm?

11 MS. JAMES: Prairie Rivers Network
12 generally speaking does not take a position of
13 support. We will be neutral or opposed.

14 MR. ANDERSON: You personally?

15 MS. JAMES: I don't speak personally
16 here. I speak as a professional working for my
17 organization.

18 MR. ANDERSON: So, you're not
19 representing anybody else here but the Prairie
20 Networks?

21 MS. JAMES: I was asked to be here by
22 some of the members of FARM, but I'm also here
23 professionally because we have concerns about
24 contamination from livestock waste, and I will also

1 say that, you know, of course, the Department is
2 obligated to uphold the regulations. That's their
3 chore.

4 The regulations are deficient in a number
5 of ways. For example, the land application
6 regulations are fairly slack, and you're in a karst
7 area, and the town of Lima gets its drinking water
8 from a well, and I guess it's a question of, is
9 that well in a karst aquifer. If it's in a karst
10 aquifer --

11 You are going to cut me off, aren't you?

12 MR. FRANK: Yes. This is a bit more than
13 the answer to the question.

14 MS. JAMES: Okay.

15 MR. FRANK: Mr. Venvertloh.

16 MR. VENVERTLOH: Duane Venvertloh.

17 So I can be clear, when you get into the
18 technical side of this, are you opposed to the
19 D & B Farms' application or to the Department of
20 Ag's guidelines or both? Do they meet the
21 guidelines, or is it the guidelines that you have
22 the issue with?

23 MS. JAMES: As far as the eight siting
24 criteria, I think in order to minimize runoff and

1 impacts of land application of waste they should be
2 required to inject their waste. So, it doesn't
3 really console me when an applicant says they plan
4 to inject waste. So, I would feel much better that
5 that particular criteria is met if they definitely
6 agree to inject. So, that's one instance.

7 And then the other instance, you know,
8 that I just outlined is my concern about karst and
9 whether or not the facility as it's engineered, per
10 its proposed engineering, does that meet the karst
11 standards that are set out in the regulations.

12 MR. FRANK: Other questions?

13 Sir.

14 MR. MUEGGE: David Muegge, M-U-E-G-G-E.

15 My question is, where do you reside, and
16 do you have any experience with animal livestock
17 husbandry skills or anything to that nature?

18 MS. JAMES: I really don't think your
19 question is relevant to the proceedings today.

20 MR. FRANK: The question has been asked
21 of others. Please answer.

22 MS. JAMES: I reside in Champaign,
23 Illinois. We are a statewide organization, and I
24 have not engaged in livestock husbandry.

1 MR. FRANK: Other questions?

2 (No response.)

3 MR. FRANK: Thank you.

4 Next we have Kim Ward. And it looks like
5 Mr. Trent, Dan or Dave Trent.

6 Could you state and spell your name,
7 please.

8 MS. WARD: Kim Ward, W-A-R-D.

9 (Whereupon witness sworn.)

10 MR. FRANK: You may proceed.

11 MS. WARD: My name is Kim Ward, and I've
12 had to move from my home of 22 years because of a
13 KAFO being built within a thousand feet of my door,
14 and the odor was so bad it was affecting our
15 health.

16 I have chronic sinus infections,
17 headaches. When I'm outside, I have to wear a face
18 mask.

19 Since we have moved from that location,
20 another KAFO has added onto their building, and now
21 within a short two and a half mile area we are
22 surrounding by 20,000 hogs.

23 We cannot open our windows, sit out on
24 our patio, entertain because of the odor. This

1 summer we installed air-conditioner unit upstairs
2 for when our son visits at home, and it was in
3 three days and we had to remove it at midnight.
4 The smell was coming through the unit, which it was
5 not even running. The doors were shut. The
6 upstairs doors were shut.

7 And we called the owners, and they did
8 nothing.

9 From the beginning back in 2006 we were
10 promised windbreaks would be put around buildings.
11 They have never been put up.

12 I have a beautiful house sitting empty
13 because I can't let anyone live there because it's
14 going to harm their health, and I will offer it to
15 anyone of you board members or all of you 30 days
16 you can live there free, I'll pay for the
17 utilities, just help yourself, just so you can see
18 what it's like.

19 And, you know, I have more to say, but I
20 have been sitting here, and I have watched these
21 guys, Nic and some of the guys in the back, the
22 Farm Bureau members, you know, they are rolling
23 their eyes, laughing at people up here. They think
24 this is funny. You know, this is a tough situation

1 to have to live in when you have to go to the
2 doctor every other week, you are on antibiotics all
3 the time. This is no way to have to live.

4 Something needs to be done. I don't know
5 if it's the Department of Agriculture or who, but
6 something has to be made safer living around these
7 buildings.

8 And I know they will argue they cause no
9 health problems, but for the two years when before
10 Mr. Muegge added on I didn't have sinus infections.
11 Then once they got bigger and smell started to come
12 up, everything came back again.

13 So, I'm not an expert, but that's all I
14 know.

15 Thank you.

16 MR. FRANK: Are there questions for this
17 witness?

18 Yes.

19 MR. WATERS: What was --

20 MR. FRANK: State your name again. I'm
21 sorry.

22 MR. WATERS: Edwin Waters, W-A-T-E-R-S.
23 What is your line of business?

24 MS. WARD: I'm a farmer.

1 MR. WATERS: What kind of a farmer?

2 MS. WARD: Grain and a few hogs. We have
3 less than 40 hogs.

4 MR. FRANK: Other questions?

5 (No response.)

6 MR. FRANK: Thank you very much.

7 MS. WARD: Thank you.

8 MR. FRANK: Mr. Trent. Dave or Dan. And
9 Jerry Gallamore is after Mr. Trent.

10 MR. TRENT: Dan Trent, D-A-N, T-R-E-N-T.

11 (Whereupon witness sworn.)

12 MR. FRANK: Would you step up to
13 microphone a little bit, please, and maybe raise it
14 a little bit.

15 MR. TRENT: I'm Dan Trent. And around
16 1988 the neighbors built a 2500-head KAFO around
17 1,000 feet from our home. In 2006 they built
18 another 5,000-head building. The 5,000 head were
19 around a quarter mile away.

20 Seeing what was happening to our home, we
21 started fixing up another home 2.2 miles away that
22 had a KAFO that had 2500 head. This didn't bother
23 us until it nearly doubled in size.

24 This location is now around 75 percent as

1 bad as our earlier location.

2 The last time we were here I thought we
3 were promised windbreaks. It didn't happen. Maybe
4 it was my misunderstanding.

5 The reason we moved was odor would burn
6 my chest, make my eyes water, stuffy nose, and
7 couldn't breathe well at times. Laundry couldn't
8 be hung on the line because at times it would need
9 laundered again, and outdoor activities are
10 limited. You couldn't plan a holiday ahead of
11 time.

12 I have no problem with the manure
13 application. I understand it takes a couple of
14 weeks for it to go. That doesn't bother me. I
15 mean, I understand agriculture.

16 I'm nearly sure all these buildings have
17 met all criteria, but they have failed. They have
18 failed to not bother us. I hope -- I don't think
19 my neighbors thought these buildings would cause
20 such extreme odors.

21 I don't think the people proposing this
22 new building intend to bother their neighbors. If
23 constructed, I believe they will.

24 The other day I was over two miles from a

1 5,000-head KAFO. The odor was very noticeable.

2 I compare the pork lobby to the tobacco
3 lobby of 20 years ago.

4 If the fans in these buildings quit, the
5 hogs are usually dead in around a half an hour.
6 How many people believe air that will kill hogs in
7 one-half an hour without a fan causes no problems
8 to people when blown outside?

9 In the past few years lots of these
10 buildings were funded up to 30 percent plus with
11 equipped dollars, corporate welfare. You decide.

12 Very conservatively this KAFO problem has
13 cost me over a hundred thousand dollars in time,
14 devalued property, and fixing present home. It has
15 taken two plus years of our life to get property
16 fixed up, not counting the years it will take to
17 pay for it.

18 I'm not being paid to be here like many
19 in this room. I am just asking for a clean breath
20 of air. This system here has already failed me
21 twice.

22 Thank you.

23 MR. FRANK: Are there questions for this
24 witness?

1 Mr. Nichols.

2 MR. NICHOLS: Lyle Nichols,

3 N-I-C-H-O-L-S.

4 Where do you live?

5 MR. TRENT: I live north of Mendon.

6 MR. NICHOLS: So, how far are you from
7 the KAFO now?

8 MR. TRENT: This proposed KAFO?

9 MR. NICHOLS: Your second house.

10 MR. TRENT: My second house is three-
11 quarters of a mile exactly.

12 MR. NICHOLS: And you still live there?

13 MR. TRENT: Yes, sir.

14 MR. NICHOLS: All right. Thank you.

15 MR. FRANK: Other questions?

16 (No response.)

17 MR. FRANK: I see none. Thank you.

18 MR. TRENT: Thank you.

19 MR. FRANK: Next up is Jerry Gallamore
20 followed by Tom Leeper.

21 MR. LOMAX: I think Mr. Gallamore left.

22 MR. FRANK: Did he leave? Okay.

23 Mr. Tom Leeper.

24 Your name again, please.

1 MR. LEEPER: Tom Leeper, L-double

2 E-P-E-R.

3 (Whereupon witness sworn.)

4 MR. FRANK: You may proceed.

5 MR. LEEPER: I hate this scene. Some of
6 finest people I know are right out there all the
7 way around this building, half of you on one side
8 and half on the other, and I don't have any
9 explanation. I don't want to be here. It is what
10 it is. I'm here.

11 My great great grandfather came to Lima,
12 planted apple trees, 1855. Ninety-nine years ago
13 my grandfather helped start the Adams County Farm
14 Bureau. He was the first treasurer. Fifty-five
15 years ago I graduated from Lima Grade School. My
16 teacher was Ruth Duke, Daron's grandmother, Steve's
17 mom. She is one of the best teachers I ever had of
18 over 20 years of going to school. I owe her.

19 I grew up on a dairy farm, although we
20 raised pigs down on bottom farm. I milked a lot of
21 cows, raised a few pigs. I still manage that farm.
22 My sisters and I own it. Farming has been my life.

23 I got another life. I got an ag
24 engineering degree, like one of the gentleman was

1 up here testifying. I got a law degree and
2 practice law here in Quincy and represent farmers
3 throughout Adams County, and I'm proud to do that.
4 I am proud of my clients, and I'm proud of plenty
5 of people out here who raise pigs.

6 Doesn't change the fact that my wife and
7 I built a brand new house five years ago, the dream
8 house, one and a half miles now from where this
9 proposed construction is, and, yes, we were aware.
10 If you are going to ask me questions, we lived in
11 the farm area, and it's always a possibility; but
12 there weren't any hogs in the area, and there
13 aren't any hogs in the area right now.

14 Somebody kind of laughed about the
15 tornado. Well, let me tell you about that tornado
16 that came through there. It shows which way the
17 prevailing wind is. It was May 10th of 2003. At
18 the house I grew up in is where we lived at the
19 time, and we were having a family gathering. My
20 wife is one of ten kids. We didn't have enough
21 room in our house, so we went to Lima church, the
22 fellowship hall they just built there.

23 And while we were there suddenly my wife
24 Margaret, who is here tonight, recognized finally,

1 nobody else had yet, there is a tornado coming
2 about a mile away, and she yelled at everybody to
3 run and get into the church, to the church
4 building, because there was a basement over there.

5 She had keys, and she struggled at the
6 door, and she couldn't get the darn door open. And
7 her brother and I yelled to everybody to get back
8 in the fellowship hall as the roof came off, and as
9 we closed that door our wives were still outside.

10 Anyway, what's that got to do with
11 anything? Well, it cut that town in two, but our
12 town survived.

13 Since then we struggled with our church
14 in Lima, but, you know, we just joined The
15 Crossing, 5,000-member church. We had 173 people
16 there yesterday. Got a brand new business in town.
17 You know, Lima we are getting it back together
18 again.

19 I'm just not convinced that Lima can, you
20 know, overcome being downwind of this farm we are
21 talking about.

22 As I mentioned, five years ago we built a
23 new house just a little bit over a mile down the
24 road from our other house, and that's where we live

1 today, got a great place for the grandkids, got a
2 great place for, you know, large family. Hey, we
3 got a basement now, so you don't have to go run and
4 find keys to get to it. It will hold all the
5 people, all of Margaret's family anyway.

6 MR. FRANK: Mr. Leeper.

7 MR. LEEPER: Yes.

8 MR. FRANK: You need to wrap it up.

9 MR. LEEPER: I will wrap up and say that
10 I ask that you turn this down, because I don't
11 believe the evidence, as we've heard it here today,
12 is satisfactory to convince anyone by the greater
13 weight of the evidence as to each and every one of
14 those eight factors.

15 Thank you very much.

16 MR. FRANK: Are there questions for this
17 witness?

18 (No response.)

19 MR. FRANK: I seen none.

20 Thank you.

21 Next we have David Muegge, and Tim Maiers
22 is up next.

23 State and spell your name.

24 MR. MUEGGE: David Muegge, D-A-V-I-D,

1 M-U-E-G-G-E.

2 (Whereupon witness sworn.)

3 MR. FRANK: You may proceed.

4 MR. MUEGGE: My name is David Muegge. I
5 live just west of Mendon, been a member of the
6 Adams County Farm Bureau, served on a comprehensive
7 planning committee here for the county when they
8 were talking about zoning, had the privilege of
9 meeting Miss Koehler. She came out, called and
10 wanted to come tour my farm.

11 I put the first buildings up in 1997,
12 went through my contract, ten-year contract, with
13 Farmland at the time, and re-signed with Cargill
14 because Farmland didn't want to -- Farmland went
15 bankrupt, and Smithfield purchased Farmland, and
16 they didn't want to operate in Illinois.

17 So, I signed with Cargill and doubled the
18 size of my operation to roughly 4400 head, which
19 would be comparable to the size of operation that
20 Daron Duke's farm is going to be. I employ my
21 brother. He is in the crowd tonight, Brian Muegge,
22 and my son is sitting back there against the wall.

23 We all three work in the building. We've
24 raised hogs all our life. We started out on dirt.

1 We've packed straw to pigs in the wintertime, 20
2 below. Pigs were piled in hog buildings and
3 usually suffocated because they couldn't get warm
4 enough, and they would pile.

5 And, lo and behold, the new technology
6 comes out, new buildings to prevent that. So, you
7 think we evolved to a new system that works. And
8 I've worked with hogs all my life.

9 I'm 44 years old. I have no health
10 problems. I have two neighbors closer than
11 Mr. Trent and have never had one complaint, except
12 Mr. Trent, and he called at 11:30 at night when I
13 was in bed.

14 So, you know, there is a lot of emotions
15 in the hog industry, you know, what's right and
16 what's wrong.

17 My son is 17. He is a senior in high
18 school. He probably wants to come back and farm.
19 I mean, he is more than qualified right now to take
20 the whole thing over and run it himself. He is
21 pretty healthy. I don't know if too many of you
22 have noticed him back there, but we are in them
23 every day. If anybody is going to be sick, it's
24 going to be us, and we have no health problems.

1 So, I just want to support Daron in his
2 objective here.

3 I think, you know, we got to get these
4 young kids back on the farm. We got to feed these
5 people somehow, and Cargill has been a great
6 company to work with the three years I've been with
7 them.

8 So that's all I've got.

9 MR. FRANK: Thank you.

10 Are there questions for this witness?

11 Ms. Martin.

12 MS. MARTIN: On your son's proposal, he
13 said that he would do some feed management to
14 reduce odors.

15 What part of the feed causes the odor?

16 MR. MUEGGE: My son is an employee of
17 mine that --

18 MS. MARTIN: I'm sorry. The proposal.
19 I'm sorry. I totally missed who you were.

20 The proposed facility the gentleman said
21 that he would do feed management to control odors.

22 With your experience with hog feed, what
23 part of the feed is the thing that you could do to
24 control odors? Sorry.

1 MR. MUEGGE: The thing that we control is
2 feed waste in the feeders. You control the
3 feeders. There is levers that you adjust the feed
4 so there is very little waste. If you have feed
5 sitting around, you can attract flies; and if you
6 can adjust them feeders down, there is no flies.
7 You have very little waste. And that's the easiest
8 way to control.

9 MS. MARTIN: I'm talking about in the
10 feces, the odors from the feces.

11 MR. MUEGGE: The odors in the feces. I
12 mean, manure is manure. It's going to smell.

13 MS. MARTIN: But that's from a sulfur
14 compound. So, what is the maximum percentage of
15 sulfur that you allow in your hog diet?

16 MR. MUEGGE: I do not control the hog
17 diet. I take care of the pigs. Cargill supplies
18 all the feeds. Ursa Farmers delivers it, and they
19 control the rations that I feed.

20 MS. MARTIN: So, when this gentleman said
21 that he could control odors by feed management, all
22 he is talking about being need neat. He can't
23 change what's actually in the feed because Cargill
24 decides that?

1 MR. MUEGGE: Cargill owns the hogs. They
2 own the feed. They own everything except the water
3 and utilities that go in. That's our
4 responsibility is the water and the management
5 labor.

6 MS. MARTIN: Do they put amino acids in
7 there, or do they do --

8 MR. MUEGGE: Yes.

9 MS. MARTIN: (Continuing) -- ash, maximum
10 ash sulfur.

11 MR. MUEGGE: I went to college at
12 Illinois State and studied livestock production was
13 my major.

14 MS. MARTIN: Then you know what I'm
15 asking?

16 MR. MUEGGE: Yes.

17 MS. MARTIN: Okay.

18 MR. MUEGGE: And whenever you feed hogs,
19 you feed them to perform and put on the most pounds
20 you can per day and to be efficient, and they are
21 only going to put in what they need to survive and
22 grow. So, if they are going to add anything extra,
23 it's going to be, for one, a waste of money, and
24 it's not going to be efficient.

1 MS. MARTIN: Do you have to pay for the
2 feed?

3 MR. MUEGGE: No.

4 MS. MARTIN: Cargill does?

5 MR. MUEGGE: Cargill pays for it.

6 MS. MARTIN: And then one last question
7 about the odor. How much -- what is the air flow
8 on the exhaust fans, how many cubic feet per
9 minute?

10 MR. MUEGGE: The cubic feet -- I have
11 about seven fans per barn, so you are talking --
12 there is 48-inch fans, there is a 56-inch fan, two,
13 36's, and we have pit fans that exhaust the pit
14 odor. The CFM's is they are all variable speeds,
15 so you got different CFM's for different fans.

16 MS. MARTIN: I think someone had asked me
17 how many times you have to move the air inside the
18 barn. Maybe that's an easier question to ask.

19 MR. MUEGGE: That's based on the size of
20 the animals and how many animals in the barn. You
21 want to move so many cubic feet of air per --

22 MS. MARTIN: 70,000 cubic feet or --

23 MR. MUEGGE: I couldn't tell you
24 without --

1 MS. MARTIN: You don't know?

2 MR. FRANK: Other questions for
3 Mr. Muegge?

4 Yes, Mr. Nichols.

5 MR. NICHOLS: Lyle Nichols,
6 N-I-C-H-O-L-S.

7 Mr. Muegge, at what weight do you finish
8 your hogs, and where do you ship them when they are
9 finished?

10 MR. MUEGGE: My hogs will go out 260 to
11 280, and they will go to Beardstown and Meredosia
12 or Ottumwa, Iowa.

13 MR. NICHOLS: Thank you.

14 MR. FRANK: Other questions?
15 Yes.

16 MS. WARD: How many times --

17 MR. FRANK: What's your name again?

18 MS. WARD: Kim Ward, W-A-R-D.

19 How many times has Aaron Stockhecke
20 complained?

21 MR. MUEGGE: Aaron Stockhecke has never
22 called me to complain. He has said something to my
23 parents, and I called him, and come to realize it
24 was Schaffer farm he was smelling, not mine.

1 MS. WARD: I just talked to him two days
2 ago, Dave. No, I don't believe that.

3 MR. FRANK: Are there other questions?

4 Yes, Miss Leeper.

5 MS. LEEPER: Mr. Muegge, you say you have
6 expanded your operations since 1997 when you first
7 built?

8 MR. MUEGGE: Correct.

9 MS. LEEPER: Once you have one
10 confinement up, what obligation do you have to your
11 neighbors when you start to put up another one, or
12 is the sky the limit once you have one up?

13 MR. MUEGGE: No. You can only increase
14 by the size of your operation every three years, I
15 believe.

16 MS. LEEPER: So, you have one up, and
17 then three years you can put another one, and three
18 years you can put two more, you can have four, and
19 then three years down the road you could have eight
20 without having to notify neighbors?

21 MR. MUEGGE: That is something that I'm
22 not familiar with of how much more I can expand.
23 I'm to the point where I've got enough fertilizer
24 to cover my ground. I have no desire --

1 MS. LEEPER: My question is, when you did
2 expand, did you have to notify neighbors that you
3 were expanding at that time?

4 MR. MUEGGE: It was 2009. I don't think
5 I did. I could be wrong.

6 MS. LEEPER: Okay.

7 MR. FRANK: Any other questions?

8 (No response.)

9 MR. FRANK: Thank you.

10 Tim Maiers. And after Mr. Maiers is
11 Jeff, and it begins with an "L", and it looks like
12 it's Lomax. Yes, Mr. Lomax. Sorry.

13 MR. MAIERS: Tim Maiers, M-A-I-E-R-S.

14 (Whereupon witness sworn.)

15 MR. MAIERS: My name is Tim Maiers. I
16 live near Payson, Illinois. I'm an Adams County
17 resident. I do also work for the Illinois Pork
18 Producers Association. I have a small family farm,
19 280 acres. I'm the third generation that's been on
20 that farm. I raised pigs when I was in 4-H and
21 FFA, and I have worked on large hog farms, as well,
22 too.

23 You know, we have talked a lot tonight,
24 and I know we are getting late, so I'll be brief.

1 Obviously we have a lot of people who are
2 passionate and care a lot about this issue, and I
3 understand that, and I guess I look at this, I see
4 two young farmers who are trying to stay in the
5 rural communities to get involved in production of
6 agriculture. I think that's great. I think we
7 need to support that.

8 I don't think they can do that at the
9 expense of everyone else. We have rules in place
10 that they need to follow, and that's what we are
11 here to discuss tonight. That's what the
12 Department will ultimately be making their decision
13 on. So, they need to be held accountable.

14 And we have talked a lot about who lives
15 where and where everybody is at, but I come down
16 to, there is nobody else in this room that's got
17 more on the line than those individuals. It's
18 their family's reputation. It's their livelihood.

19 So, if anything happens negative, they
20 are going to be the first ones impacted by it,
21 because they are in the barns every day. They are
22 going to be -- if anybody's water is affected, it's
23 going to be their water. So, it's not like they
24 are not involved in this. They are. They are

1 committed, and they care about what they are doing.

2 So, a couple things I just wanted to
3 point out. You know, we talk about the health
4 impacts and negative impacts of the environment.
5 You know, there are studies that have been done on
6 each side, and I can spout those off, but I'm not
7 going to go through those either for the sake of
8 time.

9 Here is the thing I think we need to
10 remember. That manure is a valuable resource for
11 Daron and his farm and for other farmers. They
12 want to apply that manure at the agronomic rates.
13 They don't want to waste that manure. They don't
14 want that manure to run off. They want that manure
15 to be applied so the crops can use it. It's a very
16 sustainable, very environmentally friendly system,
17 because that manure can be applied. We can raise
18 the crops. We can feed them back to the pigs.
19 It's a sustainable cycle.

20 So, it works, and we know it works
21 because we have had a long time of production in
22 Adams County and in Illinois, and we've had good a
23 good track record of a lot of farmers doing the
24 right things, taking care of their animals and

1 taking care of the environment.

2 We talk about economic development in the
3 county. We are a rural county, and we are not
4 seeing Chrysler come to build plants. We are not
5 seeing Microsoft relocate here. We are a rural
6 county. We are seeing investment made in our rural
7 communities by agriculture, by young people in
8 agriculture.

9 I think that's what we want. That's
10 what's supporting it. It's supporting another
11 business, Ursa Farmers Co-op. It's attracting
12 grain. It's attracting market for corn and
13 soybeans in the county, locally grown corn and
14 soybeans that's benefitting local farmers. So,
15 it's adding to our tax base. It's contributing to
16 our economic development.

17 Pork production in Adams County
18 contributes nearly 30 million dollars to our
19 economy and 2.2 million in taxes. So, it is
20 important for our economy as well and for our
21 county.

22 Thank you.

23 MR. FRANK: Are there questions for this
24 witness?

1 MR. TUSHAUS: Tom Tushaus, T-U-S-H-A-U-S.

2 You know, I hear what you are saying. I
3 think you guys are all missing the point. The
4 point everybody is trying to make, do you want one
5 of these in your backyard?

6 MR. MAIERS: You know, I would have -- I
7 understand. I understand. And I would have
8 questions, as well, too, you know what, and I would
9 want to know who was managing it and how they were
10 going to be done. So, I would have those
11 questions, too.

12 But also where I live I'm a couple miles
13 from several thousand hogs. I don't have a
14 problem. So, I understand there is questions, I
15 understand there is fear of the unknown, but I
16 guess from knowing Daron and being committed to
17 what they are going to do, I think they are going
18 to do what they can to be good neighbors and to
19 take care of the environment.

20 MR. TUSHAUS: Doesn't the word neighbor
21 mean anything anybody anymore?

22 MR. MAIERS: I think so. It means
23 something to me, and I think it means something in
24 here. Daron also has an opportunity to try to keep

1 his family going and keep his farm going, too. So,
2 it shouldn't be at the expense of his neighbors,
3 and I guess I really don't believe that it will be.

4 We have got a lot more examples of farms
5 that have been built and sited that are good
6 neighbors than any few problems that we do have.

7 MR. TUSHAUS: As I said before, would you
8 want it in your backyard?

9 MR. MAIERS: I would have no problem
10 having this in my backyard, no.

11 MR. FRANK: Are there other questions?

12 MR. TUSHAUS: My other question, move in
13 next-door to it.

14 MR. MAIERS: Come build one down by us,
15 that's fine.

16 MR. FRANK: Other questions?

17 Yes, Miss Martin.

18 MS. MARTIN: Are you familiar with the
19 waste characteristics of liquid swine manure?

20 MR. MAIERS: I've raised pigs, so I know
21 what manure looks like. I know what it smells
22 like. So, what would -- I'm not an engineer, I'm
23 not an attorney, so I don't know what your question
24 is.

1 MS. MARTIN: Well, you were very
2 supportive about this being a good fertilizer for
3 the crops.

4 Are you knowledgeable about the amount of
5 salts that are in liquid swine manure and how those
6 salts reduce the expected crop yield? Are you
7 aware of any of that?

8 MR. MAIERS: I know that there have been
9 studies done that show that hog manure improves
10 crop yield, so I would likely doubt if manure
11 contained that much salt that we would be seeing
12 negative impacts of the yield. And the fact that
13 most crop farmers want the manure, I don't think
14 that realistically then that that's enough for me
15 to know that that's not an issue.

16 MR. FRANK: Other questions?

17 (No response.)

18 MR. FRANK: Thank you.

19 Next we have Jeff, and I believe it's
20 Lomax. Is that correct? And Carla Smith will be
21 next.

22 MR. LOMAX: She left also.

23 MR. FRANK: State and spell your name.

24 MR. LOMAX: Jeff Lomax, J-E-F-F,

1 L-O-M-A-X.

2 (Whereupon witness sworn.)

3 MR. LOMAX: My name is Jeff Lomax. I
4 have a pretty vested interest in this as everybody
5 in this room does. I'm not an attorney. I'm not
6 an ecologist, a geologist, or anything like that.
7 I'm the mayor of the Village of Lima.

8 My major concern is protecting our water
9 supply. I've talked to Daron about it. Daron and
10 Brock are fishermen. They are hunters. They are
11 going to be stewards of the land. They live close.
12 I know that it's in all of our backyards, okay.
13 I'm also a small businessman. So, I know where
14 Daron and Brock and the rest of the family is
15 looking at to better their lives, more income. I
16 understand that.

17 I'm here tonight representing the
18 village, representing the people in the village.
19 Some have concerns with smell. They know it's a
20 possibility. Not so much are they concerned with
21 the smell as they are concerned with the water
22 supply.

23 ABS is the rural water system that comes
24 through there. We have had the opportunity, it

1 still presents itself, for the village to hook onto
2 the ABS waterline. That was several years ago.

3 Currently Mendon and Ursa had to drop
4 their wells because of nitrates in the water
5 system. Is it from agriculture? Some would swear
6 it is. I've talked to state water geologists,
7 state people at the EPA level. Is it from
8 agriculture? Nobody can pinpoint it. Is it from
9 the glaciers, petrified wood spreading nitrates in
10 the water? Some will say it is. Nobody knows for
11 sure. Nobody knows for sure.

12 We had nitrate levels that were spiked.
13 We were in the situation that Mendon and Ursa was
14 in several years ago. Fortunately, we were able to
15 install a system to control the nitrate levels. We
16 went to an agricultural process and put a barrier
17 around our wells, and we've got our system under
18 control.

19 I don't want to see it spiked to where we
20 are at a deficit for water. ABS's licenses have
21 proven that they are pretty well inadequate on
22 supplying us water. If we would have a problem
23 with the water supply, we are going to be at odds
24 on where are we going to get water to supply the

1 Village of Lima.

2 I'm asking tonight that more studies --

3 I talked to Daron. Me and Daron live
4 right up and down the street. I went to school
5 with Daron. I want to help him make this work as
6 much as I want to make sure that it works for the
7 village, too.

8 Let's look at this, make sure we've got
9 the water supply to do it, not endanger our
10 ecosystem all the way around us. Daron is on
11 the -- he has got a well at his home. His well is
12 in the same aquifer as the village. Let's work
13 through, make sure we are doing it right the first
14 time.

15 MR. FRANK: Are there questions for this
16 witness?

17 Yes, Mr. Nichols.

18 MR. NICHOLS: Lyle Nichols,
19 N-I-C-H-O-L-S.

20 Mr. Lomax, will the Village of Lima
21 receive any direct compensation if this operation
22 is consummated?

23 MR. NICHOLS: No.

24 MR. FRANK: Any other questions?

1 Yes.

2 MR. DUKE: Jeff, I appreciate what you
3 say, and I think your concerns with the wells in
4 Lima is very valid, I do. I also think that we
5 will suck water out of the ecosystem. I mean, you
6 can't say you won't.

7 But the center pivots in the bottoms are
8 also sucking a tremendous amount of water out of
9 the ecosystem at a much higher level than what we
10 could ever imagine. I don't know why there is no
11 finger pointing at that problem and only finger
12 pointing at us.

13 MR. LOMAX: I understand. It's in the
14 works. I understand that they inject nitrogen at
15 them sites.

16 MR. DUKE: I'm talking about water
17 levels. I mean, it's all the same thing happening
18 underneath the ground, and there is four or five
19 center pits down in the bottom pumping that water
20 all summer long.

21 MR. LOMAX: Exactly. They are using --
22 like I said, I'm not an engineer. I don't have a
23 computer mind. I know they're taking from
24 phenomenal amounts of water.

1 MR. DUKE: I'm saying --

2 MR. LOMAX: And I have questioned the
3 geologists and everything else about what is this
4 doing to our water level. We don't know yet. We
5 definitely don't know yet. There is, to my
6 knowledge, five or six more going up, I mean, in
7 the Ursa bottoms, same aquifer. What's it going to
8 do to the level in the aquifer itself? We don't
9 know.

10 MR. FRANK: Mr. Venvertloh.

11 MR. VENVERTLOH: Duane Venvertloh.

12 Mr. Lomax, it was stated earlier, I
13 believe, that their operation was going to use two
14 million gallon a year. As a comparison, do you
15 have any idea as it relates just to the water what
16 a typical residence would use in a year, any idea?

17 MR. LOMAX: A typical two-person
18 household --

19 MR. VENVERTLOH: Well, a family of four,
20 I think.

21 MR. LOMAX: A family of four you're
22 talking 2100 gallons per month. Village of Lima on
23 average, on average, okay, the Village of Lima uses
24 between 13,000 and 15,000 gallons per day. That's

1 the village as a whole. We have 68 water customers
2 on our system right now.

3 MR. VENVERTLOH: Okay. Thank you.

4 MR. FRANK: Any other questions?

5 (No response.)

6 MR. FRANK: Thank you.

7 Next we have Carla Smith. You said she
8 departed, is that correct?

9 MR. LOMAX: Yes.

10 MR. FRANK: Edwin Waters. And Terry
11 Evans is after Mr. Waters.

12 MR. WATERS: Edwin Waters, E-D-W-I-N,
13 W-A-T-E-R-S.

14 (Whereupon witness sworn.)

15 MR. FRANK: You may proceed.

16 MR. WATERS: I've lived in Adams County
17 for 22 years. For ten years I lived directly, one
18 mile directly north of this site. I did part of my
19 growing up over in Greene County on a farm there.
20 My dad raised hogs on pasture with portable
21 A-frames. I don't remember any of them suffocating
22 in the cold under that system.

23 And most of us here tonight have been
24 talking --

1 Well, also I'll say another credential.

2 I count myself having, as being president of the
3 Western Illinois Sustainable Agricultural Society.

4 I'm not here tonight to speak for the society. I'm
5 just here to speak for myself, and I'm hoping that
6 I'm also speaking for a growing number of other
7 people. So, this is a personal thing.

8 Most people here tonight have been
9 talking about what's going to happen around this
10 facility, on the outside of this facility. I want
11 to talk about what's going to happen inside it.
12 And I want you to think about --

13 Well, let me take a minute to tell a
14 couple of pig jokes. Wendell Barry has a little
15 book called Sayings and Doings. And he has a
16 youngster come in and say, Pap, the health officer
17 says you've got to stop raising those pigs in the
18 house. And Pap says back, well, I've done that for
19 25 years, and I haven't lost a one yet.

20 Another one. The youngster comes in and
21 says, Pap, the extension agent says if you put
22 those hogs in confinement you'll get them out of
23 here in half the time. Pap says, well, yeah, I
24 could do that, but then what's time to a pig.

1 Just think about this from the pig's
2 point of view. And you might think --

3 Well, let's start with human beings.

4 Let's say that you were forced by circumstances of
5 whatever to live your life in your bathroom, that
6 you were never allowed to leave your bathroom, that
7 perhaps there was a window you could crack open a
8 slight amount.

9 But let's take that analogy a little bit
10 further and realize that not only are you forced to
11 live in your bathroom and perform all of your
12 bodily functions in there, but you're also forced
13 to live in your bathroom with your head in the
14 toilet breathing whatever is in the toilet.

15 This is what we are forcing these animals
16 to do.

17 There was a time when we did this to
18 human beings, believe it or not. If any of you
19 have seen the movie Ben Hur, which is going to come
20 around soon at Easter and all that, or the slave
21 ships where we packed human beings next to each
22 other chained in place and doing all of their
23 bodily functions in that place.

24 Thank you.

1 MR. FRANK: Are there questions for this
2 witness?

3 (No response.)

4 MR. FRANK: I see none. Thank you.

5 MR. WATERS: Okay. Thank you.

6 MR. FRANK: Terry Evans is next, followed
7 by Nic Anderson.

8 MR. EVANS: I'm not for sure I need a
9 microphone. The only people -- do I have to?

10 MR. FRANK: Can you state your name for
11 the record.

12 MR. EVANS: Oh, I need to get sworn in.

13 MR. FRANK: State your name for the
14 record, please.

15 MR. EVANS: Terry Evans. And I need to
16 be sworn.

17 (Whereupon witness sworn.)

18 MR. FRANK: You may proceed.

19 MR. EVANS: You know, I don't think I
20 need at that microphone. The only people that have
21 ever said that they can't hear me has been my kids.

22 MR. FRANK: Can you use that mic?

23 MR. EVANS: Do I need to?

24 MR. FRANK: Yes.

1 MR. EVANS: I live in Smithville,
2 Missouri. I'm the first Missourian, I guess, to
3 testify here, but I was born and raised here in,
4 born in Quincy, raised up at Lima, grew up on our
5 family farm. My dad was Morton Evans, my mom was
6 Eunice Evans, and he was a vo-ag teacher over at
7 Unity High School.

8 And, like Tom Leeper over there, Ruth
9 Duke was my teacher. My fond memory of Ruth Duke,
10 Mrs. Duke, was that we had to diagram these
11 sentences, and we did that in the 7th grade. We
12 did that in the 8th grade. And I said, when I'm
13 out of the 8th grade, I'm going to Unity High
14 School and I'm going to be rid of diagraming those
15 sentences. Guess who was my, who quit being
16 principal at Lima Grade School and became the
17 freshman English teacher at Unity High School?
18 Ruth Duke. And so, again, we diagramed sentences.

19 But, anyway -- and Steve over there, he
20 may not remember, but where this building is going
21 to be built we used to play cowboys and Indians,
22 cops and robbers, kill the Germans or whoever the
23 enemy was. So, I'm sort of familiar with where
24 this is at.

1 And although I live in Missouri, I still
2 bank at the State Bank of Lima, so I still have
3 some ties.

4 But what concerns me about what I've
5 heard here today is the lack of concern for the
6 odor that emanates from this hog confinement system
7 or hog factory over onto the neighbors. That is a
8 trespass. That's an invasion of my privacy.

9 You know, it's one thing to say -- and
10 it's great, we grew pigs, great pigs when we were
11 kids in 4-H, showed them, showed them with Mark's
12 dad. I mean, he showed different kinds. We had
13 the good kind, the registered Hampshire hogs. So,
14 I know about hogs.

15 They stink. They have odor. That's just
16 the way they are. But when this hog confinement
17 system is being suggested, I didn't sign up to
18 absorb the odor. That's not my responsibility.
19 That is -- I didn't ask for that. That is a
20 trespass. That's an invasion onto my property that
21 has a negative effect on my land. It's just like
22 if the utility company comes in and says, I want to
23 put a transmission line over your property. That's
24 an invasion.

1 The other thing with respect to the odor
2 there is a couple things that bother me. I've
3 heard best management practices and bad, best
4 available technology. I don't understand the
5 reluctance to try, try biofilters. It is state of
6 the art. It is best available technology. I urge
7 you, Daron, to try it. I've seen it happen. I've
8 seen it work. It works.

9 Experts throughout the United States have
10 testified it is the best available technology to
11 reduce odor at the barn.

12 The other thing I'm concerned about -- I
13 was happy, I'm happy that you are using injection
14 methods on land application. I was surprised, but
15 pleasantly surprised, but I hope that you will not
16 do it on highly erodible land.

17 MR. FRANK: You need to wrap it up.

18 MR. EVANS: The last thing with
19 respect -- one last thing.

20 MR. HEIDBREDER: Be quick.

21 MR. EVANS: With respect to -- okay.

22 Mr. Heidbreder, I'll --

23 MR. HEIDBREDER: Some of us want to eat
24 tonight.

1 MR. FRANK: Make it quick.

2 MR. EVANS: I don't want to offend you.

3 MR. FRANK: Are there questions for this
4 witness?

5 Sure.

6 MS. KOEHLER: What was your last thing,
7 Terry?

8 MR. HEIDBREDER: Don't start with a joke,
9 please.

10 MR. EVANS: You know, Mr. Heidbreder,
11 this is very serious to me, and I'm sorry --

12 MR. HEIDBREDER: Where were you four
13 years ago when I was putting together a
14 comprehensive plan and I needed testimony like
15 this, sir?

16 MR. FRANK: Gentlemen. Gentlemen.

17 MR. EVANS: I mean, I'm really sorry.

18 MR. FRANK: Let's keep it to the subject
19 at hand here.

20 Are there any questions for --

21 MR. EVANS: So sorry. But this is
22 important to me, sir.

23 MR. FRANK: Okay. Thank you very much.

24 Next up we have Mr. Anderson.

1 MR. ANDERSON: Mr. Frank, Kent had a real
2 bad charley horse. For the sake of that, I'll
3 forfeit my time tonight, and let's all go home.

4 MR. FRANK: All right. Thank you. That
5 concludes the oral testimony from the sign-up
6 sheet.

7 Is there anyone else who would like to
8 provide any oral testimony?

9 (No response.)

10 MR. FRANK: I see none.

11 MR. LOMAX: Mr. Heidbreder, in regards to
12 your comprehensive plan --

13 MR. FRANK: Sir. Sir.

14 MR. LOMAX: I raised my hand to provide
15 oral testimony, sir.

16 MR. FRANK: Well, I think you already
17 provided some, didn't you?

18 MR. LOMAX: Did you ask if there was any
19 other testimony?

20 MR. FRANK: Come up here.

21 Remember, you're still under oath.

22 MR. LOMAX: Yes, sir. Mr. Heidbreder --

23 MR. FRANK: Can you state your name,
24 please.

1 MR. LOMAX: Jeff Lomax, L-O-M-A-X.

2 In regard to your comprehensive plan, let
3 it be noted, Mr. Heidbreder, I was against it then,
4 and I'm still against it now. It's a
5 constitutional right to the pursuit of happiness.

6 MR. FRANK: We need to keep the comments
7 to the facility here.

8 MR. LOMAX: If this is Daron's pursuit of
9 happiness, I don't think that any comprehensive
10 plan should block that.

11 MR. FRANK: Any questions?

12 (No response.)

13 MR. FRANK: I see none.

14 Thank you.

15 Anyone else?

16 (No response.)

17 MR. FRANK: I see no one.

18 Thank you for the oral testimony.

19 I will enter into the record as Exhibit
20 Number 4 the oral testimony sign-in sheet.

21 (Exhibit 4 marked.)

22 MR. FRANK: I will enter into the record
23 as Exhibit Number 5 the attendance sign-in sheet.

24 (Exhibit 5 marked.)

1 Now, written testimony. We will accept
2 written testimony.

3 I will enter into the record as Exhibit
4 Number 6 some written testimony provided by Miss
5 Koehler and also from the FARM, Family Against
6 Rural Messes.

7 (Exhibit 6 marked.)

8 MR. FRANK: I will enter into the record
9 as Exhibit Number 7 some written testimony provided
10 by Miss Stacy James.

11 (Exhibit 7 marked.)

12 MR. FRANK: Now, is there anyone else who
13 would like to provide any written testimony?

14 Miss Martin?

15 MS. MARTIN: Yes. I forgot to hand it to
16 you, and I have given everyone on the Board a copy
17 of that.

18 MR. FRANK: Okay. This is the written
19 testimony from Miss Martin. Entered into the
20 record as Exhibit Number 8 is written testimony
21 from Miss Martin.

22 (Exhibit 8 marked.)

23 Anyone else?

24 Entered into the record as Exhibit Number

1 9 is some written testimony provided by Mr. Nic
2 Anderson, and it's entitled Illinois EPA Livestock
3 Program 2007 Livestock Facility Investigation
4 Annual Report produced by the Bureau of Water, of
5 Water Pollution Control from the Illinois EPA.

6 (Exhibit 9 marked.)

7 MR. FRANK: Anyone else?

8 (No response.)

9 MR. FRANK: All right. Are there any
10 closing comments from the facility, Mr. Duke?

11 MR. DUKE: Yes. I would like to make a
12 closing comment. Is it best to do it from here or
13 there?

14 MR. FRANK: Can you all hear him from
15 there? Go ahead from right there if you like.

16 MR. DUKE: First off, I would like to
17 thank the county board for sitting through this. I
18 know it has been a long night for you, and the ones
19 that showed up means a lot to us.

20 I would like to thank all of the people
21 who are here in support, and I really appreciate
22 that, thank my neighbors for coming here and
23 addressing their concerns.

24 John Heidbreder and I we had a good

1 conversation, I don't know if he remembers or not,
2 about three or four years ago when the
3 comprehensive plan was going on. He was telling me
4 about hog barns and how we needed to get to a place
5 in Adams County where you can build all this, and
6 that way everybody knows what's going on.

7 My comment to the John at the time, this
8 wasn't in even -- I had a vision of my mind of
9 possibly doing this. I always had a dream of doing
10 this. My comment to John was, you know what, John,
11 if my neighbor next-door wants to you put a 5,000
12 hog facility, that's his God-given right because
13 that's his land, and that is my belief.

14 Okay. I know several people have asked,
15 would you like one of these in your backyard. You
16 know what, if my neighbor wants to build one, by
17 God he can build one.

18 I'm telling you tonight that that's our
19 land. That's my father's land. That hopefully
20 will be my land someday. And I feel it is our
21 God-given right to do whatever the hell we want to
22 do on our property as long as it is within the
23 State of Illinois' laws.

24 Now, I'm also going to tell you that the

1 post office in Lima is no longer open, Judith. I
2 think it closed maybe five or six years ago. Or
3 five or six months ago.

4 MS. KOEHLER: No. It's open two hours a
5 day now.

6 MR. DUKE: The post office in Lima
7 closed.

8 MS. KOEHLER: I was there today.

9 MR. DUKE: I'm pretty sure it's closed.

10 MS. KOEHLER: No. It was open.

11 MR. FRANK: This is closing.

12 MR. DUKE: Just a couple more things
13 here. I want to be a good neighbor. I want to do
14 what's right for the community. I especially
15 appreciate the Leeper's. You are my neighbors.
16 Kevin Tushaus, you're my neighbor. Judith,
17 Meredith not really my neighbor. You know, you
18 might think you are, but that's great, you know.
19 You don't live in Lima Township. You don't live in
20 Adams County.

21 And I'm here to tell you that Todd,
22 Tracy, I'm glad you are here tonight. You might
23 not agree with what we are doing, I appreciate
24 that. I do. I'm here to tell you that I'm going

1 to do everything -- if this does go through, we are
2 going to everything we can that you do not have an
3 issue. We are going to do the best practices.

4 With that, thank you.

5 MR. FRANK: Thank you, Mr. Duke.

6 Are there any closing comments from the
7 Department?

8 MR. GOETSCH: No.

9 MR. FRANK: Okay. As I mentioned
10 earlier, a copy of the transcript will be provided
11 to the County Board. For those further desiring a
12 copy, the transcript will be available by
13 contacting the court reporter.

14 Thank you for your attendance tonight.
15 This public informational meeting is hereby closed.

16 (End of proceedings.)

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF ADAMS)
4
5
6

7 C E R T I F I C A T E
8
9

10 I, Gina L. Nottingham, a Certified
11 Shorthand Reporter in and for the County of Adams,
12 State of Illinois, do hereby certify the foregoing
13 to be a true and accurate transcript of the
14 testimony and proceedings.
15
16
17
18

Gina L. Nottingham, CSR
19
20
21

22 Dated this 11th day
23 of March, 2013.
24

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